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<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 MIDDLE DISTRICT OF ALABAMA</p> <p>3 NORTHERN DIVISION</p> <p>4</p> <p>5 PAUL POGUE and PAUL POGUE, in his</p> <p>6 capacity as owner of SURVEYORS' PARK,</p> <p>7 Plaintiff,</p> <p>8</p> <p>9 vs. CIVIL ACTION NO. 2:06CV148-MHT</p> <p>10</p> <p>11 TONY CHANDLER, in his individual and</p> <p>12 official capacity, et al.,</p> <p>13 Defendants.</p> <p>14 DEPOSITION OF PAUL POGUE, taken</p> <p>15 pursuant to notice and stipulation on</p> <p>16 behalf of the Defendants, at the</p> <p>17 Alabama Forestry Commission, 513</p> <p>18 Madison Avenue, Montgomery, Alabama,</p> <p>19 before Bridgette Mitchell, Shorthand</p> <p>20 Reporter and Notary Public in and for</p> <p>21 the State of Alabama at Large, on</p> <p>22 August 2, 2006, commencing at</p> <p>23 9:05 a.m.</p>	<p>1 STIPULATIONS</p> <p>2 It is hereby stipulated and</p> <p>3 agreed by and between counsel</p> <p>4 representing the parties that the</p> <p>5 deposition of PAUL POGUE is taken</p> <p>6 pursuant to notice and stipulation on</p> <p>7 behalf of the Defendants; that all</p> <p>8 formalities with respect to procedural</p> <p>9 requirements are waived; that said</p> <p>10 deposition may be taken before</p> <p>11 Bridgette Mitchell, Shorthand Reporter</p> <p>12 and Notary Public in and for the State</p> <p>13 of Alabama at Large, without the</p> <p>14 formality of a commission; that</p> <p>15 objections to questions, other than</p> <p>16 objections as to the form of the</p> <p>17 questions, need not be made at this</p> <p>18 time, but may be reserved for a ruling</p> <p>19 at such time as the deposition may be</p> <p>20 offered in evidence or used for any</p> <p>21 other purpose as provided for by the</p> <p>22 Civil Rules of Procedure for the State</p> <p>23 of Alabama.</p>
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<p>1 APPEARANCES</p> <p>2 APPEARING PRO SE:</p> <p>3 Paul Pogue</p> <p>4 301 Kahn Street</p> <p>5 Montgomery, Alabama</p> <p>6</p> <p>7 APPEARING FOR THE DEFENDANTS:</p> <p>8 James W. Davis, Esquire</p> <p>9 Assistant Attorney General</p> <p>10 OFFICE OF THE ATTORNEY GENERAL</p> <p>11 303 State House</p> <p>12 11 S. Union Street</p> <p>13 Montgomery, Alabama 36130</p> <p>14</p> <p>15 Linda C. Breland, Esquire</p> <p>16 ALABAMA FORESTRY COMMISSION</p> <p>17 513 Madison Avenue</p> <p>18 Montgomery, Alabama 36130</p> <p>19</p> <p>20 Charles T. Conway, Esquire</p> <p>21 ALABAMA FORESTRY COMMISSION</p> <p>22 513 Madison Avenue</p> <p>23 Montgomery, Alabama 36130</p>	<p>1 It is further stipulated and</p> <p>2 agreed by and between counsel</p> <p>3 representing the parties in this case</p> <p>4 that the filing of the deposition of</p> <p>5 PAUL POGUE is hereby waived and that</p> <p>6 said deposition may be introduced at</p> <p>7 the trial of this case or used in any</p> <p>8 other manner by either party hereto</p> <p>9 provided for by the Statute,</p> <p>10 regardless of the waiving of the</p> <p>11 filing of same.</p> <p>12 It is further stipulated and</p> <p>13 agreed by and between the parties</p> <p>14 hereto and the witness that the</p> <p>15 signature of the witness to this</p> <p>16 deposition is hereby waived.</p> <p>17</p> <p>18</p> <p>19 INDEX</p> <p>20</p> <p>21 EXAMINATION</p> <p>22 By Mr. Davis..... 6</p> <p>23</p>

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EXHIBIT**A**

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<p>1 EXHIBITS: Page</p> <p>2 Defendants' Exhibit #1..... 5</p> <p>3 Defendants' Exhibit #2..... 5</p> <p>4 Defendants' Exhibit #3..... 5</p> <p>5 Defendants' Exhibit #4..... 5</p> <p>6 Defendants' Exhibit #5..... 5</p> <p>7 Defendants' Exhibit #6..... 5</p> <p>8 Defendants' Exhibit #7..... 5</p> <p>9 Defendants' Exhibit #8..... 5</p> <p>10 Defendants' Exhibit #9..... 97</p> <p>11 Defendants' Exhibit #10..... 99</p> <p>12 Defendants' Exhibit #11..... 106</p> <p>13 Defendants' Exhibit #12..... 109</p> <p>14 Defendants' Exhibit #13..... 113</p> <p>15 Defendants' Exhibit #14..... 122</p> <p>16 Defendants' Exhibit #15..... 123</p> <p>17</p> <p>18 (Defendants' Exhibits 1 through 8</p> <p>19 were previously marked for</p> <p>20 identification.)</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 state actors and private actors.</p> <p>2 Q. Would you state you name for the</p> <p>3 record, please?</p> <p>4 A. Paul.</p> <p>5 Q. Would you state your last name,</p> <p>6 please?</p> <p>7 A. Pogue.</p> <p>8 Q. Would you spell your last name for me?</p> <p>9 A. It would be spelled P-O-G-U-E.</p> <p>10 Q. Mr. Pogue, we met prior to the</p> <p>11 deposition. My name is Jim Davis.</p> <p>12 I'm an assistant attorney general.</p> <p>13 I'm here to represent Mr. Tony</p> <p>14 Chandler and Mr. Danny Clark with the</p> <p>15 Forestry Commission in a lawsuit that</p> <p>16 you have filed. Do you have an</p> <p>17 attorney in this action, Mr. Pogue?</p> <p>18 A. I'm appearing in this action pro se,</p> <p>19 sir.</p> <p>20 Q. Have you ever given a deposition</p> <p>21 before?</p> <p>22 A. Yes, I have.</p> <p>23 Q. Then you know what this is. I'm going</p>
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<p>1 PAUL POGUE, of lawful age,</p> <p>2 having first been duly sworn,</p> <p>3 testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. DAVIS:</p> <p>6 Q. Would you state your name for the</p> <p>7 record, please?</p> <p>8 A. Hold on just a moment, sir. I want to</p> <p>9 go on record and object to this</p> <p>10 proceeding inasmuch as I brought that</p> <p>11 to the attention of Susan Russ Walker.</p> <p>12 And I feel that this is really not an</p> <p>13 appropriate discovery process simply</p> <p>14 because matters are pending before the</p> <p>15 federal district court judge. So I</p> <p>16 would respectfully object to this</p> <p>17 proceeding and I feel that it is</p> <p>18 inappropriate. And I also feel that</p> <p>19 the matter should be dealt with at a</p> <p>20 later time, after the district court</p> <p>21 judge issues rulings as relates to</p> <p>22 parties in so much as this matter is</p> <p>23 dealing with conspiracy and acts of</p>	<p>1 to ask you some questions about the</p> <p>2 lawsuit. If there's any reason that</p> <p>3 you do not understand my question or</p> <p>4 if my question is not clear to you,</p> <p>5 let me know and I'll ask it again in a</p> <p>6 different way.</p> <p>7 A. Yes, sir.</p> <p>8 Q. If you answer my question, I'm going</p> <p>9 to assume that you have understood it.</p> <p>10 Is that fair?</p> <p>11 A. Yes, sir.</p> <p>12 Q. I will at various times in this</p> <p>13 deposition ask you to review</p> <p>14 documents, and I'll have questions</p> <p>15 about those. The first one I have</p> <p>16 marked as Defendants' Exhibit 1.</p> <p>17 A. In terms of who? Are you identifying</p> <p>18 who you are referring to as a</p> <p>19 defendant? We have several defendants</p> <p>20 in this case.</p> <p>21 Q. I'm referring to Mr. Clark and</p> <p>22 Mr. Chandler collectively.</p> <p>23 A. Yes, sir.</p>

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<p>1 Q. You take whatever time you need to</p> <p>2 review the document. When you're</p> <p>3 ready to answer, I'd like to know</p> <p>4 whether that is the Complaint that you</p> <p>5 have filed in this action.</p> <p>6 (Witness reviews document.)</p> <p>7 A. It is in part, but not in total.</p> <p>8 There were exhibits attached to this</p> <p>9 Complaint. That's a fraud of what I</p> <p>10 have. This is a fraud document.</p> <p>11 Q. I have marked two documents as</p> <p>12 Defendants' Exhibits 3 and 4. Are</p> <p>13 these the exhibits you're referring</p> <p>14 to?</p> <p>15 A. Based on what has just happened, I do</p> <p>16 not know and I cannot trust these as</p> <p>17 the authentic documents. But for the</p> <p>18 purpose of going on with the</p> <p>19 discovery, since you handed them to me</p> <p>20 and you're an employee of the state, I</p> <p>21 guess I'll go and do the best I can</p> <p>22 with this.</p> <p>23 Q. Do you believe those to be copies of</p>	<p>1 capacity and in his capacity as a</p> <p>2 state employee.</p> <p>3 Q. And what is the nature of your claims</p> <p>4 against Mr. Clark and Mr. Chandler?</p> <p>5 A. Well, I would think that the Complaint</p> <p>6 speaks for itself. I would accept</p> <p>7 exactly what the Complaint has stated,</p> <p>8 and it does speak for itself.</p> <p>9 Q. Is one of the basis for your lawsuit,</p> <p>10 does it concern the cutting of timber</p> <p>11 in Perry County, Alabama?</p> <p>12 A. This particular lawsuit does not</p> <p>13 concern, as it relates to Tony</p> <p>14 Chandler, the cutting of any timber,</p> <p>15 and it does not concern the cutting of</p> <p>16 the timber as it relates to Danny</p> <p>17 Clark.</p> <p>18 Q. What, then, does it concern?</p> <p>19 A. As I said earlier, the Complaint</p> <p>20 speaks for itself. But it deals with</p> <p>21 matters as it relates to the role and</p> <p>22 responsibility of state employees to</p> <p>23 do that which is right under the law</p>
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<p>1 the exhibits that you attached to your</p> <p>2 Complaint?</p> <p>3 A. As I said earlier, I had to call your</p> <p>4 attention to the alteration or the</p> <p>5 missing of these particular pages that</p> <p>6 you have just marked as Exhibit No. 3</p> <p>7 and No. 4, so, therefore, I do not</p> <p>8 know. I do not trust it. But at this</p> <p>9 point, the clerk is not here and</p> <p>10 nothing is certified, so we have to go</p> <p>11 forward with what we have.</p> <p>12 Q. Mr. Pogue, would you please tell me in</p> <p>13 your own words, what is the nature of</p> <p>14 the lawsuit that you have filed</p> <p>15 against Mr. Clark and Mr. Chandler?</p> <p>16 A. Well, the lawsuit speaks for itself.</p> <p>17 It's a civil rights lawsuit filed in</p> <p>18 the Middle District of Alabama against</p> <p>19 Tony Chandler in his individual</p> <p>20 capacity, Tony Chandler in his</p> <p>21 official capacity as a state employee.</p> <p>22 With respect to Danny Clark, he would</p> <p>23 also be sued in his individual</p>	<p>1 as they are duty-bound to do pursuant</p> <p>2 to their job titles and</p> <p>3 responsibilities.</p> <p>4 Q. Mr. Pogue, I have reviewed your</p> <p>5 Complaint, and it's my job today to</p> <p>6 ask some questions about the Complaint</p> <p>7 to make sure that I fully understand</p> <p>8 what it is that you're claiming and</p> <p>9 also to understand what evidence you</p> <p>10 may have that supports the matters</p> <p>11 that you've alleged. So I've got some</p> <p>12 questions that we'll ask about some of</p> <p>13 the details about the things that you</p> <p>14 have alleged. Do you own property in</p> <p>15 Perry County, Alabama?</p> <p>16 A. When you say "property," what are you</p> <p>17 speaking of, sir?</p> <p>18 Q. Any real property, any land?</p> <p>19 A. I own some property in Perry County,</p> <p>20 Alabama.</p> <p>21 Q. Where is that located in Perry County,</p> <p>22 Alabama?</p> <p>23 A. Could you rephrase your question?</p>

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<p>1 Perry County, Alabama, is where it's</p> <p>2 located.</p> <p>3 Q. Where within Perry County is your</p> <p>4 property located?</p> <p>5 A. I would need a surveyor to answer that</p> <p>6 question.</p> <p>7 Q. Is there timber on that property?</p> <p>8 A. I do not know. I have not looked at</p> <p>9 the property in some time.</p> <p>10 Q. When was the last time you were on</p> <p>11 that property?</p> <p>12 A. I do not remember, but it was within</p> <p>13 the -- maybe about three or four</p> <p>14 months past.</p> <p>15 Q. Have you ever entered into a contract</p> <p>16 to ask someone to cut timber on</p> <p>17 property that you own in Perry County,</p> <p>18 Alabama?</p> <p>19 A. No, I have not, sir.</p> <p>20 Q. Did anyone ever enter into a contract?</p> <p>21 A. That would be a question for anyone to</p> <p>22 answer. But for me, Paul Pogue, in my</p> <p>23 capacity, and Paul Pogue in my</p>	<p>1 them.</p> <p>2 Q. What did you request of them?</p> <p>3 A. I asked the Alabama State Forestry</p> <p>4 Commission to look into the</p> <p>5 allegations that I had regarding</p> <p>6 people taking advantage of forestry</p> <p>7 products on my particular property.</p> <p>8 Q. Is that the property in Perry County</p> <p>9 that we were discussing?</p> <p>10 A. No, sir. In this particular case,</p> <p>11 we're talking about matters a little</p> <p>12 different from matters as it relates</p> <p>13 to timber. Let's not get that</p> <p>14 confused. See, there are different</p> <p>15 matters, different issues. And if</p> <p>16 you're not a skilled person, then you</p> <p>17 will intertwine, commingle, as well as</p> <p>18 create collateral issues that are not</p> <p>19 before this particular discovery</p> <p>20 process in this particular case.</p> <p>21 So going back and making it</p> <p>22 clear, I'm dealing with Chandler and</p> <p>23 I'm dealing with Clark in the capacity</p>
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<p>1 capacity of Surveyors' Park, has not</p> <p>2 entered into a contract with anyone.</p> <p>3 Q. Did any of the owners of property of</p> <p>4 which you were a part owner in Perry</p> <p>5 County enter into a contract for the</p> <p>6 cutting of timber?</p> <p>7 A. I know nothing about that, sir. I</p> <p>8 can't answer that question.</p> <p>9 Q. Well, then, let's go back to your</p> <p>10 allegations against Mr. Chandler and</p> <p>11 Mr. Clark. What is it that you claim,</p> <p>12 if anything, that they have done</p> <p>13 wrong?</p> <p>14 A. As I said earlier, my claims against</p> <p>15 Chandler and Clark would have to stem</p> <p>16 from the role and the responsibility</p> <p>17 that they have as forestry employees</p> <p>18 and in their individual capacity as it</p> <p>19 relates to their demeanor and their</p> <p>20 behavior as related to how they</p> <p>21 treated me throughout the ordeal as it</p> <p>22 relates to me as a consumer and a</p> <p>23 tax-paying citizen making a request to</p>	<p>1 that I could deal with them. And they</p> <p>2 made themselves known to be state</p> <p>3 employees. So we're dealing with</p> <p>4 matters as it relates to state</p> <p>5 employees and what they do and what</p> <p>6 they don't do.</p> <p>7 Q. Any intermingling and intertwining is</p> <p>8 strictly unintentional. I'm just</p> <p>9 trying to understand the claims that</p> <p>10 you've raised.</p> <p>11 So you made a request of</p> <p>12 Mr. Clark and Mr. Chandler; is that</p> <p>13 correct?</p> <p>14 A. No, sir.</p> <p>15 Q. Who did?</p> <p>16 A. I know nothing about that.</p> <p>17 Q. Okay. Did I understand you to say</p> <p>18 that your claims against Mr. Clark and</p> <p>19 Mr. Chandler relate to a request that</p> <p>20 you made of them for services as a</p> <p>21 consumer?</p> <p>22 A. I think you're not understanding</p> <p>23 correctly. I said I directed my</p>

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<p>1 complaint to the Alabama State 2 Forestry Commission. 3 Q. Okay. And what was your request to 4 the forestry commission? 5 A. There were numerous requests to the 6 Alabama State Forestry Commission, but 7 based on what I asked the Alabama 8 Forestry Commission was to do is to 9 look into matters that I had regarding 10 forestry products, missing forestry 11 products. 12 Q. And what forestry products are you 13 speaking of? 14 A. Well, there are numerous forestry 15 products, but I think according to the 16 law, forestry products would be 17 anything that is on land that is 18 considered natural resources or 19 matters of conservation. So 20 everything. 21 Q. Are you saying somebody cut trees that 22 they shouldn't have cut? 23 A. I did not say that. We're talking</p>	<p>1 You may want to rephrase that 2 question. 3 Q. Okay. Who did the missing forestry 4 products belong to before they became 5 missing? 6 A. I would not know that. That would be 7 a question to ask to investigators. 8 I'm not an investigator, sir. 9 Q. Why are you concerned about the 10 missing forestry products? 11 A. As I told you earlier, in this 12 particular matter and this particular 13 case, I'm concerned, and as you 14 identified yourself, and narrow the 15 issues down, I'm only concerned about 16 what Clark and Chandler has done and 17 what Clark and Chandler in their 18 individual as well as official 19 capacity has done to me. I'm not 20 concerned about any timber at this 21 time. 22 Q. Were you at any time? 23 A. I can't answer -- you have to rephrase</p>
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<p>1 about -- if I'm understanding you 2 correctly, sir, you're talking about 3 Clark and Chandler. I don't think 4 Clark and Chandler has anything to do 5 with my property or anything to do 6 with anything other than being 7 employees of the state with the 8 Alabama Forestry Commission. So we 9 need to make that clear. 10 Q. I understand. All right. Did 11 somebody other than Mr. Chandler and 12 Mr. Clark cut trees that should not 13 have been cut on any property that you 14 had an ownership interest in? 15 A. I know nothing about that, sir. 16 Q. You refer to missing forestry 17 products; correct? 18 A. Yes, sir. 19 Q. Where were those missing forestry 20 products located before they became 21 missing? 22 A. I would not know that specifically, 23 sir. I can't answer that question.</p>	<p>1 that question. 2 Q. Tell me why you went to Mr. Clark and 3 Mr. Chandler. 4 A. I did not go to Mr. Clark nor did I go 5 to Mr. Chandler. 6 Q. Tell me why you went to the forestry 7 commission? 8 A. I went to the Alabama Forestry 9 Commission because it's my 10 understanding, according to Alabama 11 state law, that if you have matters of 12 concern that deals with forestry 13 issues, then you may want to contact 14 the Alabama Forestry Commission, and 15 that's exactly what I did. 16 Q. Okay. You went to the forestry 17 commission because of a concern; 18 correct? 19 A. Forestry concern. 20 Q. And that forestry concern was missing 21 forestry products; correct? 22 A. No, sir. That forestry concern was a 23 very broad concern, very broad.</p>

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<p>1 Q. Was one of your concerns missing 2 forestry products when you went to the 3 forestry commission? 4 A. I think I went to the forestry 5 commission, as I said, for the 6 forestry commission to look into 7 matters at that time that I was 8 concerned about -- 9 Q. Okay. Would -- 10 A. -- within the scope of the Alabama 11 Forestry Commission's authority 12 pursuant to the Alabama law. So that 13 would be inclusive of everything that 14 the Alabama Forestry Commission would 15 have anything to do with. 16 Q. Would you please tell me, then, all of 17 the concerns that you took to the 18 Alabama Forestry Commission at that 19 time? 20 A. Well, I would adopt the Alabama laws 21 as it relates to forestry issues as my 22 concern. So it would be too volumous 23 (sic) to really sit here and state</p>	<p>1 Q. Where did that meeting take place? 2 A. Here -- what's the address here? Hold 3 just one moment. 513 Madison Avenue, 4 Montgomery, Alabama. 5 Q. In the building where we're meeting 6 today? 7 A. It would be in the 513 Madison Avenue 8 building. 9 Q. Do you remember the names of any of 10 the people who were with the forestry 11 commission? 12 A. No, sir. 13 Q. What did you discuss with them? 14 A. Discussed with them various issues as 15 it relates to the scope of Alabama 16 Forestry Commission's authority as it 17 relates to being concerned for 18 concerned consumers. 19 Q. Did you bring up any property that you 20 own in Perry County or anything that 21 may have happened on that property? 22 A. I do not recall doing that, sir. 23 Q. Maybe it would help if we went through</p>
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<p>1 that. But I would accept and adopt 2 what the Alabama code says and what 3 the Alabama law says and what the 4 administrative procedure acts and the 5 publications of the forestry, that's 6 what I would be concerned with. 7 Q. When you went to the forestry 8 commission, did you have a meeting in 9 person with someone? 10 A. I spoke with the Alabama Forestry 11 Commission employees. 12 Q. Was it on the telephone? 13 A. By phone as well as in present -- in 14 person here on Madison Avenue. 15 Q. Let's deal with the first contact you 16 had about these matters. Was that 17 first contact by telephone? 18 A. The first contact was in person. 19 Q. Okay. And who did you meet with? 20 A. Several Alabama Forestry Commission -- 21 people that said that they were 22 employees of the Alabama Forestry 23 Commission.</p>	<p>1 the Complaint, the document that we've 2 marked as Defendants' Exhibit 1. 3 A. Yes, sir. 4 Q. And let's begin with the factual 5 allegations, which appear on page 3. 6 Do you see paragraph 7 on page 3, 7 Mr. Pogue? 8 A. Yes, sir. On your document, yes, sir. 9 Q. Okay. Paragraph 7 says, Plaintiff is 10 a member of the black race and the 11 owner, developer, and promotor of 12 Surveyors' Park. What is Surveyors' 13 Park? 14 A. Surveyors' Park is a division of Paul 15 Pogue. Surveyors' Park is considered, 16 as I said, and it speaks for itself 17 here at paragraph 7, that I'm doing 18 business as Surveyors' Park. So it is 19 also a proprietary concern that I 20 have. 21 Q. What is the business of Surveyors' 22 Park? 23 A. It is undefined at this time.</p>

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<p>1 Q. Is one part of your plan for</p> <p>2 Surveyors' Park a real estate</p> <p>3 development?</p> <p>4 A. It is undefined at this time, sir.</p> <p>5 Q. What does Surveyors' Park have to do</p> <p>6 with this lawsuit?</p> <p>7 A. Surveyors' Park is a part of me and I</p> <p>8 am the plaintiff in this lawsuit and,</p> <p>9 therefore, to that extent it is a part</p> <p>10 of the lawsuit.</p> <p>11 Q. Paragraph 8 says, Within a year of</p> <p>12 filing of this Complaint, Plaintiff's</p> <p>13 Surveyors' Park was announced to the</p> <p>14 public at large. How was that</p> <p>15 announcement made?</p> <p>16 A. As an announcement would be made. It</p> <p>17 was announced.</p> <p>18 Q. Was it made orally or through a press</p> <p>19 release or in some other way?</p> <p>20 A. Orally.</p> <p>21 Q. Who did you announce it to?</p> <p>22 A. The public.</p> <p>23 Q. What did you say to the public about</p>	<p>1 which people, uninvited, comes into an</p> <p>2 established environment and have their</p> <p>3 way against the will of the person in</p> <p>4 control of the environment. And</p> <p>5 terrorists are those that seek to tear</p> <p>6 down or take that which has been</p> <p>7 established. So I feel quite</p> <p>8 confident that that's a proper</p> <p>9 paragraph and it speaks for itself.</p> <p>10 Q. Where were the unmanufactured forest</p> <p>11 products located?</p> <p>12 A. That will be left up to an</p> <p>13 investigator to determine.</p> <p>14 Q. Were they located on property owned by</p> <p>15 Paul Pogue?</p> <p>16 A. "They" when you speak of, what are you</p> <p>17 talking about? I'm talking about</p> <p>18 ground/soil damage and obliteration of</p> <p>19 unmanufactured forest products.</p> <p>20 Q. Correct. And I'm asking about the</p> <p>21 forest products that this paragraph</p> <p>22 refers to. And what I'm asking is,</p> <p>23 where were they located?</p>
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<p>1 Surveyors' Park?</p> <p>2 A. I cannot recall exactly what I said,</p> <p>3 but I did announce that Surveyors'</p> <p>4 Park was alive and well and a part of</p> <p>5 me.</p> <p>6 Q. Paragraph 9 says that, Within two</p> <p>7 years of the filing of this Complaint,</p> <p>8 Plaintiff's Surveyors' Park sustained</p> <p>9 and experienced insurgency -- excuse</p> <p>10 me -- insurgency and terrorist-style</p> <p>11 ground/soil damage and obliteration of</p> <p>12 unmanufactured forest products within</p> <p>13 the State of Alabama.</p> <p>14 Tell me what you know about the</p> <p>15 insurgency and terrorist-style</p> <p>16 ground/soil damage and obliteration of</p> <p>17 unmanufactured forest products that</p> <p>18 this paragraph relates to.</p> <p>19 A. This particular paragraph speaks for</p> <p>20 itself. It has a time line involved</p> <p>21 in it. But I'd like to make clear</p> <p>22 that it does speak for itself. But as</p> <p>23 you know, insurgency is the process by</p>	<p>1 A. Like I don't understand your question.</p> <p>2 If you could rephrase your question, I</p> <p>3 could try to answer it, sir.</p> <p>4 Q. Okay. I'll try it another way. What</p> <p>5 are the unmanufactured forest products</p> <p>6 that this paragraph is talking about?</p> <p>7 A. It's talking about that which is</p> <p>8 incorporated as, as I've said earlier,</p> <p>9 the enforcement authority at Alabama</p> <p>10 Forestry Commission. So it's</p> <p>11 containing all earth science and all</p> <p>12 natural resources that can be</p> <p>13 contained within reason and what you</p> <p>14 would be referring to as earth</p> <p>15 science, earth natural resources.</p> <p>16 That's dirt -- that's dirt, bark,</p> <p>17 branches, leaves, whatever.</p> <p>18 Q. Okay. And were the particular forest</p> <p>19 products that you're speaking of in</p> <p>20 this paragraph, were they located on</p> <p>21 property that you owned?</p> <p>22 A. I specifically state here that I</p> <p>23 experienced the insurgency and a</p>

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<p>1 terrorist-style ground/soil damage and</p> <p>2 obliteration of unmanufactured forest</p> <p>3 products within the State of Alabama.</p> <p>4 So that's within Alabama, yes.</p> <p>5 Q. And was it on property that you owned?</p> <p>6 A. It's on property that I have authority</p> <p>7 over. You need to understand, and I</p> <p>8 want to make this clear, when you</p> <p>9 start talking about ownership, it</p> <p>10 doesn't necessarily mean real</p> <p>11 property. Ownership could mean</p> <p>12 personal property. So Forestry</p> <p>13 products in this particular case and</p> <p>14 this particular matter would be</p> <p>15 talking about, as I've said,</p> <p>16 ground/soil damage and obliteration of</p> <p>17 unmanufactured forest products. So,</p> <p>18 therefore, we're talking about</p> <p>19 personal property that I have.</p> <p>20 Q. Who owned the real property where</p> <p>21 these unmanufactured forest products</p> <p>22 were located?</p> <p>23 A. I would not know that. I can't answer</p>	<p>1 A. No one gave me a gift.</p> <p>2 Q. Did anybody give you a piece of paper</p> <p>3 that says you now own this personal</p> <p>4 property?</p> <p>5 A. No one gave me that, no paper.</p> <p>6 Q. What did you do in order to assume</p> <p>7 this personal property?</p> <p>8 A. I assumed it and claimed it as mine.</p> <p>9 Q. Did you tell anybody that this is now</p> <p>10 mine?</p> <p>11 A. Yes.</p> <p>12 Q. Who did you say that to?</p> <p>13 A. I told the public.</p> <p>14 Q. How did you tell the public?</p> <p>15 A. I announced it to the public.</p> <p>16 Q. When did you announce it to the</p> <p>17 public?</p> <p>18 A. Within the two years of the filing of</p> <p>19 this Complaint.</p> <p>20 Q. Was it on a particular day?</p> <p>21 A. Yes, it was on a day.</p> <p>22 Q. Do you know what that day was?</p> <p>23 A. No, I do not. Can't recall.</p>
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<p>1 that question. But I can specifically</p> <p>2 answer that I owned the personal</p> <p>3 property for which I'm referring to</p> <p>4 here as unmanufactured forest</p> <p>5 products.</p> <p>6 Q. How did you come to own that personal</p> <p>7 property?</p> <p>8 A. Through assumption. I assumed it.</p> <p>9 Q. How did you assume it?</p> <p>10 A. Assumed it, acknowledged it as mine,</p> <p>11 claimed it as mine.</p> <p>12 Q. What did you do in order to claim it</p> <p>13 as yours?</p> <p>14 A. I accepted it as mine, that which I've</p> <p>15 identified in paragraph 9.</p> <p>16 Q. Did you purchase it from somebody?</p> <p>17 A. I assumed it, sir.</p> <p>18 Q. I'm sorry, Mr. Pogue, but I don't</p> <p>19 understand what you mean by "assumed."</p> <p>20 A. Well, you have to rephrase your</p> <p>21 question.</p> <p>22 Q. Okay. Did somebody give it to you as</p> <p>23 a gift?</p>	<p>1 Q. Where were you located when you made</p> <p>2 that announcement?</p> <p>3 A. Before the public, sir.</p> <p>4 Q. Who was present?</p> <p>5 A. I do not recall, but there were</p> <p>6 several people present.</p> <p>7 Q. Can you tell me any of the people who</p> <p>8 were present?</p> <p>9 A. No, I cannot.</p> <p>10 Q. And do you personally, Paul Pogue,</p> <p>11 have any ownership interest in the</p> <p>12 real property where this personal</p> <p>13 property was located?</p> <p>14 A. You have to rephrase your question.</p> <p>15 As I explained to you earlier, if</p> <p>16 you're referring to that particular</p> <p>17 paragraph, that's referring to</p> <p>18 personal property.</p> <p>19 Q. And that personal property has a</p> <p>20 location; correct?</p> <p>21 A. That personal property would be</p> <p>22 somewhere.</p> <p>23 Q. Where?</p>

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<p style="text-align: right;">Page 33</p> <p>1 A. That's left up to the investigators to 2 determine the whereabouts of it. 3 Q. Do you have an opinion as to where it 4 is? 5 A. No, sir. 6 Q. Do you have an opinion as to where it 7 was before it became missing? 8 A. If you could rephrase the question, I 9 could answer that question. 10 Q. Okay. Is part of the personal 11 property that you're referring to 12 timber? 13 A. I'm referring to all forestry 14 products, as you can see. All 15 products. 16 Q. Okay. You're talking about a large 17 group of forestry products, and I want 18 to narrow it down to one thing, which 19 is timber, just for purposes of this 20 question. 21 A. I can't do that. I would have to 22 object to that question. 23 Q. Do you own any timber in the State of</p>	<p style="text-align: right;">Page 35</p> <p>1 A. Excuse me. Could you repeat your 2 question, sir? 3 Q. Sure. Do you have any information 4 about who owned the real property in 5 Perry County, Alabama, where the 6 personal property was located, and the 7 personal property with being that 8 which you've referred to in 9 paragraph 9? 10 A. I wouldn't have that information, sir. 11 Q. Have you ever personally been present 12 on the real property in Perry County, 13 Alabama, where the unmanufactured 14 forest products were located? And I'm 15 speaking of the unmanufactured forest 16 products that you're talking about in 17 paragraph 9. 18 A. Could you repeat the question? 19 Q. Did you ever go look at the 20 unmanufactured forest products that 21 you're talking about in paragraph 9? 22 A. Yes, sir. 23 Q. Did you have to get anybody's</p>
<p style="text-align: right;">Page 34</p> <p>1 Alabama? 2 A. Could you rephrase that question, sir? 3 Q. Do you own any timber or any interest 4 in timber? 5 A. If it is -- if it is inclusive as 6 forestry products, I would say. 7 Q. You would say yes? 8 A. As I said, if it's inclusive. If that 9 is -- if the forestry products can be 10 defined as timber. 11 Q. And these forestry products, were they 12 located in Perry County, Alabama? 13 A. Is that a continuation of the question 14 you just asked or is it a new 15 question? 16 Q. It's a new question. The forestry 17 products referred to in paragraph 9, 18 were they located in Perry County, 19 Alabama? 20 A. Yes. 21 Q. And do you have any knowledge about 22 who owns the real property where those 23 forest products were located?</p>	<p style="text-align: right;">Page 36</p> <p>1 permission to go on that property? 2 A. I did not get anyone's permission. 3 Q. Whose property were you on when you 4 went to go look at those 5 unmanufactured forest products? 6 A. I was standing on the public road. 7 Q. I want to show you a document that 8 I've marked as Defendants' Exhibit 2, 9 Mr. Pogue. 10 A. Yes, sir. 11 Q. Can you identify that document for me? 12 A. No, I cannot. 13 Q. Have you ever seen this document 14 before? 15 A. Could you rephrase your question, sir? 16 Q. Have you ever seen the document 17 before, the one that is marked as 18 Defendants' Exhibit 2? 19 A. This appears to be a document, but I 20 don't know whether or not I've seen 21 this particular document before. 22 Q. Do you know Mamie Darden? 23 A. No, I do not.</p>

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<p>1 Q. Do you know Valissa Darden?</p> <p>2 A. No, I do not.</p> <p>3 Q. Have you ever heard those names</p> <p>4 before?</p> <p>5 A. May or may not have.</p> <p>6 Q. Have you ever heard of Alabama Civic</p> <p>7 Specialty Group, Inc.?</p> <p>8 A. Yes, I have.</p> <p>9 Q. What is Alabama Civic Specialty Group,</p> <p>10 Inc.?</p> <p>11 A. It's a corporation.</p> <p>12 Q. Did you form that corporation?</p> <p>13 A. Could you rephrase that question?</p> <p>14 Q. Are you a shareholder in that</p> <p>15 corporation?</p> <p>16 A. No, I'm not.</p> <p>17 Q. Are you an officer or a director in</p> <p>18 that corporation?</p> <p>19 A. No, I'm not.</p> <p>20 Q. Do you have any ownership interest in</p> <p>21 that corporation?</p> <p>22 A. No, I do not.</p> <p>23 Q. Do you know what business Alabama</p>	<p>1 would have to object to that question</p> <p>2 and go on and answer by stating that</p> <p>3 Alabama Civic Specialty Group is a</p> <p>4 corporation and I can't represent a</p> <p>5 corporation and I'm not here to</p> <p>6 represent Alabama Civic Specialty</p> <p>7 Group, Incorporated.</p> <p>8 Q. I understand. But does Paul Pogue,</p> <p>9 you sitting here today, do you have</p> <p>10 any information about a contract</p> <p>11 between that corporation and Cherokee</p> <p>12 Timber Company?</p> <p>13 A. No, I do not.</p> <p>14 Q. Was there, at any time, a contract</p> <p>15 that dealt with the unmanufactured</p> <p>16 forest products that is the subject</p> <p>17 of your Complaint?</p> <p>18 A. Speaking of the subject of my</p> <p>19 Complaint, then you would be excluding</p> <p>20 document what you identified as</p> <p>21 Defendants' Exhibit 2.</p> <p>22 Q. Well, I'm going back to the Complaint,</p> <p>23 Exhibit 1. Did you or anybody else</p>
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<p>1 Civic Specialty Group, Incorporated,</p> <p>2 is?</p> <p>3 A. It should be a corporation. It speaks</p> <p>4 for itself.</p> <p>5 Q. Do you know if it's engaged in any</p> <p>6 business activity?</p> <p>7 A. I would not know that.</p> <p>8 Q. The first line of Exhibit 2,</p> <p>9 Mr. Pogue, refers to Mamie Darden,</p> <p>10 Valissa Darden, and Paul Pogue,</p> <p>11 parenthesis, Alabama Civic Specialty</p> <p>12 Group, Inc. Are you the Paul Pogue</p> <p>13 this paragraph refers to?</p> <p>14 A. I'm not familiar with this document.</p> <p>15 And as earlier trends suggested, I</p> <p>16 need to be very aware of what I agree</p> <p>17 to and not agree to. So, therefore,</p> <p>18 my name is Paul Pogue.</p> <p>19 Q. Are you familiar with a contract</p> <p>20 between Alabama -- Alabama Civic</p> <p>21 Specialty Group, Inc., and Cherokee</p> <p>22 Timber Company, Incorporated?</p> <p>23 A. That would be a matter that would -- I</p>	<p>1 enter into a contract with somebody</p> <p>2 for the cutting of timber?</p> <p>3 A. When you say "Exhibit 1," what are you</p> <p>4 referring to, sir?</p> <p>5 Q. The Complaint.</p> <p>6 A. Oh, okay. Go ahead with your</p> <p>7 question, sir.</p> <p>8 Q. Was there a contract that concerned</p> <p>9 the cutting of timber or other</p> <p>10 unmanufactured forest products?</p> <p>11 A. Not that I would have anything to do</p> <p>12 with, sir.</p> <p>13 Q. Did Mr. Chandler or Mr. Clark conduct</p> <p>14 any investigation on your behalf?</p> <p>15 A. You would have to ask Mr. Chandler and</p> <p>16 Mr. Clark that question. I can't</p> <p>17 answer that question. I don't</p> <p>18 represent them.</p> <p>19 Q. I understand that you don't represent</p> <p>20 them. But I'm having difficulty</p> <p>21 communicating with you and</p> <p>22 understanding what it is that you went</p> <p>23 to the forestry commission about.</p>

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1 These aren't trick questions. I'm
2 trying to understand -- let me tell
3 you what I understand so far. I --
4 what I believe happened, according to
5 you, is that somebody cut timber where
6 they weren't supposed to. You asked
7 the forestry commission to investigate
8 and you have complaints about the way
9 they investigated and what happened as
10 a result of that investigation; is
11 that correct?

12 A. I would have to object to that
13 characterization as well as that
14 statement. My Complaint speaks for
15 itself. And I -- I'm not altering nor
16 amending it at this point.

17 MS. BRELAND: Can I ask a
18 question?

19 MR. DAVID: Yeah.

20 MS. BRELAND: Can I ask a
21 question, Mr. Pogue?

22 THE WITNESS: If it's proper
23 to do so.

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1 MS. BRELAND: Well, what we
2 want to know is, you have filed a
3 lawsuit against employees of the
4 forestry commission and we're just
5 trying to find out what exactly it is
6 you're suing us about.

7 THE WITNESS: Well, the
8 Complaint speaks for itself, ma'am.

9 MS. BRELAND: But we don't
10 know what you -- it may speak to you,
11 but it doesn't speak to us. We don't
12 understand exactly what it is you're
13 complaining about. That's why we're
14 here today, to try to find out what it
15 is that you're complaining about that
16 we've done.

17 THE WITNESS: Well, it has
18 been my experience that if you're not
19 cognizant of what is going on in terms
20 of a Complaint, file a 12(b) Motion.
21 And if Susan Russ (sic) chooses to
22 engage in de facto counsel, let her
23 continue. But the proper thing for

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1 you to do, if you are of that concern,
2 is to file a 12(b) Motion.

3 MS. BRELAND: Well, a proper
4 thing also is to have a deposition
5 where you -- and this is done in every
6 case that I'm aware of -- where you
7 ask the plaintiff specific questions
8 about what it is that they are
9 complaining about. Since you're suing
10 us, we are entitled to know what
11 you're suing us about.

12 THE WITNESS: Well, I'm not
13 suing you, the term "us." But as I
14 said earlier, my Complaint speaks for
15 itself. If we need to stop here and
16 get the judge involved, let's do it.
17 If we need to stop and get the
18 magistrate involved and ask her not to
19 engage in de facto counsel, then we
20 should do it.

21 MS. BRELAND: Well, apparently
22 it doesn't speak for itself because
23 you're telling us that you didn't ask

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1 for things that the Complaint says you
2 did ask for. So, you know, we don't
3 know what this complaint means.

4 Q. (By Mr. Davis) Mr. Pogue, are you
5 going to decline to answer any
6 questions about the details of the
7 allegations of this lawsuit?

8 A. I'm going to continue to participate
9 pursuant to the law. I'm going to
10 continue to participate pursuant to
11 the scheduling order after having
12 objected to it. So we're not going to
13 prejudice the issues by electing
14 premature -- premature statements of
15 that nature. I wouldn't participate
16 in that.

17 Q. What I'd like to do now is maybe just
18 take a five-minute break and then come
19 back and continue the deposition. Is
20 that okay with you?

21 A. If I have anything to do with it, I
22 would like for it to continue on. But
23 if you have the authority to stop the

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<p>1 deposition over my objection, go right 2 ahead. 3 Q. I don't want that to be controversial. 4 Typically in depositions, Mr. Pogue, 5 either party sometimes needs to go to 6 the restroom or get a drink of water 7 or just take a break for a few minutes 8 and then come back to continue. And 9 that's what I would like to do at this 10 time. Is that okay with you? 11 A. You have the authority to do that, 12 sir. 13 Q. Thank you. We'll be back in about 14 five minutes, then we'll continue the 15 deposition at that time. 16 A. Yeah. 17 (Short recess.) 18 Q. Are you ready to continue, Mr. Pogue? 19 A. Yes, I am. 20 Q. Mr. Pogue, would you refer back to the 21 Complaint that's been marked as 22 Defendants' Exhibit 1? 23 (Witness complies.)</p>	<p>1 place of concern. Do you see where 2 I'm reading? 3 A. Yes, sir. 4 Q. What is the designated place of 5 concern? 6 A. Well, the designated place of concern 7 was, I think at that particular time, 8 and what this paragraph is referring 9 to, is the getting away of issues that 10 I had voiced to the forestry 11 commission about forestry products. 12 And so the dispatcher -- as I told you 13 earlier, I was in the forestry 14 commission's office and the forestry 15 commissioner -- commissions employee 16 contacted a forestry commission 17 employee and we spoke by phone in 18 several locations. And I think the 19 question at that time was, How do we 20 get together to go out on property to 21 determine what is going on? So that's 22 what that is referring to. That's 23 referring to the fact that I made</p>
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<p>1 Q. I'd like to ask now about paragraph 10 2 of that document. Paragraph 10 says 3 that, Within a year of filing the 4 Complaint, Plaintiff voiced his 5 complaint of concern to the Alabama 6 Forestry Commission. Who did you 7 speak to at the Alabama Forestry 8 Commission? 9 A. Well, at the Alabama Forestry 10 Commission, which is located at 513, 11 there are several people that come to 12 your aid if you're coming off the 13 street or calling in that I guess the 14 dispatcher places you with people that 15 are recognized as employees of the 16 forestry commission. So that's what 17 that document is referring to. I 18 never ID'd anybody. 19 Q. I see. Paragraph 11 says that the 20 dispatcher spoke by phone with you and 21 assured Plaintiff that other Alabama 22 Forestry Commission employees would 23 visit Plaintiff at the designated</p>	<p>1 contact with the Alabama Forestry 2 Commission, voiced my concern, then 3 the dispatcher contacted several 4 employees, other Alabama Forestry 5 Commissions, and those employees then 6 contacted other employees and then we 7 got together and came up with a 8 solution, which was for me to meet 9 with several forestry commission 10 employees and talk with several -- 11 several forestry commission employees 12 by phone. 13 Q. Okay. Do you know who you spoke with 14 by phone? 15 A. No, sir. 16 Q. Okay. But you made arrangements to 17 meet with people by telephone; is that 18 correct? 19 A. The people within the Madison -- 20 513 Madison Avenue did that. 21 Q. Did you agree to meet with people by 22 telephone? 23 A. Well, I had no option.</p>

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1 Q. Did you meet with people by telephone
 2 dealing with this matter?
 3 A. Yeah, I spoke with several people
 4 within the Alabama Forestry
 5 Commission. Well, they said that they
 6 were employees of the Alabama Forestry
 7 Commission.
 8 Q. Do you know the names of any of the
 9 people you spoke to at the forestry
 10 commission?
 11 A. During this particular time and in
 12 reference to this paragraph 11 --
 13 Q. Correct.
 14 A. -- no one would -- no one gave names.
 15 That was all done through the
 16 dispatcher.
 17 Q. Okay. Did anyone visit you from the
 18 forestry commission at the designated
 19 place of concern?
 20 A. I think what the concern at that
 21 time -- yes, someone did come here to
 22 the forestry commission.
 23 Q. Okay. Did you meet with anybody with

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1 the forestry commission in Perry
 2 County, Alabama?
 3 A. Yes, I did.
 4 Q. Where did you meet with them in Perry
 5 County, Alabama?
 6 A. Met with them on the state highway.
 7 Q. What state highway?
 8 A. Alabama State Highway.
 9 Q. Do you know the number of that
 10 highway?
 11 A. No, sir.
 12 Q. Does it have a name, that highway?
 13 A. Alabama Highway.
 14 Q. Does it have a popular name? How
 15 would somebody know that that highway
 16 is different from some other highway?
 17 A. It guess it's a state highway.
 18 Q. Is it Highway 219?
 19 A. I've heard them use that to describe
 20 it as that.
 21 Q. Okay. Do you, Paul Pogue, own any
 22 real property adjacent to Highway 219
 23 in Perry County, Alabama?

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1 A. I would object to that question and
 2 ask you to rephrase it as it relates
 3 to this particular case. As I said
 4 earlier, I'm trying to make it clear
 5 what this lawsuit is about as it has
 6 been written. And if we were to
 7 continue to go down the path of not
 8 getting clarification, then we would
 9 be going in the wrong direction as it
 10 relates to what the commission and
 11 purpose of this lawsuit is.
 12 Q. Do you -- are you a party to a lawsuit
 13 pending Mobile County, Alabama?
 14 A. Yes, I am.
 15 Q. What is the nature of that lawsuit?
 16 A. That particular lawsuit is a federal
 17 lawsuit filed against International
 18 Paper Company.
 19 Q. Are you the plaintiff in that action?
 20 A. Yes, I am.
 21 Q. What are you alleging against
 22 International Paper?
 23 A. Well, basically, I'm alleging that

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1 International Paper has committed acts
 2 of conversion, and that's basically
 3 what it's about. I think the matter
 4 will eventually have to go to the
 5 Eleventh Circuit and then probably on
 6 to the U.S. Supreme Court if I'm lucky
 7 and they accept it.
 8 Q. In that lawsuit, what are you claiming
 9 that International Paper converted?
 10 A. I'm claiming that International Paper
 11 engaged in the act of conversion as it
 12 would be defined in the State of
 13 Alabama, and that is dealing with
 14 timber.
 15 Q. Was that timber located in or around
 16 the Alabama State Highway in Perry
 17 County, Alabama, that has been
 18 referred to as Highway 219?
 19 A. That's what we're trying to get to
 20 now. That's the -- that's the
 21 question that we're trying to get
 22 resolved now.
 23 Q. You mean that's the question that

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<p>1 you're trying to resolve in the</p> <p>2 lawsuit against International Paper?</p> <p>3 A. No. What I'm saying is, what happened</p> <p>4 and the whereabouts has everything to</p> <p>5 do with the investigation. And I</p> <p>6 really want to make this point clear</p> <p>7 so that we can clarify these issues so</p> <p>8 that we don't commingle, intertwine,</p> <p>9 and create collateral issues for</p> <p>10 parties involved which precipitates</p> <p>11 new lawsuits being filed. So I want</p> <p>12 to make it clear that the forestry</p> <p>13 industry attorney is a closed</p> <p>14 industry, so therefore matters that a</p> <p>15 general consumer or citizen would have</p> <p>16 as it relates to the whereabouts and</p> <p>17 what happened to rests with the</p> <p>18 forestry commission. So if you were</p> <p>19 to see a load of wood traveling down</p> <p>20 the road, even if you think it's</p> <p>21 yours, you can very well be falsely</p> <p>22 accusing. So the forestry commission</p> <p>23 would have to bring in their</p>	<p>1 Park.</p> <p>2 A. Yes.</p> <p>3 Q. Where is the ground of Surveyors' Park</p> <p>4 located?</p> <p>5 A. The ground of Surveyors' Park is a</p> <p>6 narrow -- narrow strip that I would</p> <p>7 have to go out and show you what is</p> <p>8 meant by that.</p> <p>9 Q. Is the ground of Surveyors' Park real</p> <p>10 property?</p> <p>11 A. The grounds of Surveyors' Park is</p> <p>12 describing personal properties, the</p> <p>13 location of personal -- personal</p> <p>14 properties.</p> <p>15 Q. Does Surveyors' Park own the real</p> <p>16 property?</p> <p>17 A. Surveyors' Park does not own the real</p> <p>18 property, as I told you earlier. I</p> <p>19 would not know who owns the real</p> <p>20 property. But I do know that where</p> <p>21 that timber theft equipment was</p> <p>22 located, I can show you, whomever</p> <p>23 wants to go see it, the whereabouts</p>
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<p>1 investigator to determine the</p> <p>2 whereabouts. So I'm saying to you,</p> <p>3 that's the big question. And I'm</p> <p>4 almost for certain that the matters</p> <p>5 will be litigated along those lines,</p> <p>6 in Mobile as well.</p> <p>7 Q. What I would like to ask, then, is</p> <p>8 where the timber was located before it</p> <p>9 was cut. Was it located in or around</p> <p>10 Highway 219 in Perry County, Alabama?</p> <p>11 A. I think that some was.</p> <p>12 Q. Okay.</p> <p>13 A. But that was dealing with the issues</p> <p>14 in Mobile and that was dealing with</p> <p>15 matters, as I said, dealing with</p> <p>16 conversion in the federal lawsuit in</p> <p>17 Mobile.</p> <p>18 Q. Paragraph 12 of the Complaint,</p> <p>19 Mr. Pogue --</p> <p>20 A. Yes.</p> <p>21 Q. -- it says, Plaintiff discovered</p> <p>22 hidden timber theft equipment and</p> <p>23 machinery on the ground of Surveyors'</p>	<p>1 and the location of it.</p> <p>2 Q. Mr. Pogue, I'd like to show you a</p> <p>3 document that I've marked as</p> <p>4 Defendants' Exhibit 5.</p> <p>5 A. Yes, sir.</p> <p>6 Q. And Exhibit 5, Mr. Pogue, I represent</p> <p>7 to you is a map of property within</p> <p>8 Perry County, Alabama, township 18</p> <p>9 north, range 10 east. Do you see on</p> <p>10 Exhibit 5 where it refers to the</p> <p>11 Emanuel Darden estate?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Do you believe that the personal</p> <p>14 property that you're referring to was</p> <p>15 located somewhere on the property of</p> <p>16 the Emanuel Darden estate?</p> <p>17 A. First of all, I'll object to the</p> <p>18 admittance of this Exhibit 5 inasmuch</p> <p>19 as it does not say what you're talking</p> <p>20 about here. But I would need an area</p> <p>21 photograph to intelligently answer</p> <p>22 that particular question. These</p> <p>23 drawings, I can't help you with this.</p>

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<p>1 Q. Are you able to tell me one way or the</p> <p>2 other whether the personal property</p> <p>3 that is part of what this lawsuit is</p> <p>4 about was located anywhere on the map</p> <p>5 that's marked as Exhibit 5?</p> <p>6 A. No, sir.</p> <p>7 Q. You just don't know if it is or if it</p> <p>8 isn't; is that correct?</p> <p>9 A. I can't read this particular map. I</p> <p>10 would need an area photograph to show</p> <p>11 you.</p> <p>12 Q. Do you have an area photograph of the</p> <p>13 property?</p> <p>14 A. No, sir.</p> <p>15 Q. Do you know anyone who does?</p> <p>16 A. No, sir.</p> <p>17 Q. Do you know Emanuel Darden?</p> <p>18 A. No, I do not.</p> <p>19 Q. Do you have any information about an</p> <p>20 Emanuel Darden?</p> <p>21 A. No, I do not.</p> <p>22 Q. Do you have any information about a</p> <p>23 person named Emanuel Darden who is now</p>	<p>1 A. No, I do not.</p> <p>2 Q. Do you have a spouse or former spouse</p> <p>3 or in-laws whose last name was Darden?</p> <p>4 A. Yes, I do.</p> <p>5 Q. Who is that?</p> <p>6 A. If you go back to Document Exhibit</p> <p>7 No. 2, when you asked that question,</p> <p>8 asked me did I know any of these</p> <p>9 particular people, and I told you that</p> <p>10 I knew Paul Pogue. But to put these</p> <p>11 names in its proper perspective, this</p> <p>12 Mamie Darden is not proper. That's</p> <p>13 not proper. And that Valissa Darden</p> <p>14 is not proper. So I wouldn't know</p> <p>15 those people in that particular</p> <p>16 written way.</p> <p>17 Q. I don't understand what you mean by</p> <p>18 "it's not proper."</p> <p>19 A. I am familiar with a Mamie Mims Darden</p> <p>20 and I am familiar with the name</p> <p>21 Valissa Darden Pogue, but no Valissa</p> <p>22 Darden and no Mamie Darden.</p> <p>23 Q. Who is Mamie Mims Darden?</p>
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<p>1 deceased?</p> <p>2 A. No, sir.</p> <p>3 Q. Have you ever heard of the name</p> <p>4 Emanuel Darden before today?</p> <p>5 A. Yes, I have.</p> <p>6 Q. In what context?</p> <p>7 A. I've heard of the name. I've heard</p> <p>8 people use the name Emanuel Darden.</p> <p>9 Q. Who have you heard use the name</p> <p>10 Emanuel Darden?</p> <p>11 A. Just people out in the public.</p> <p>12 Q. Are you related to anyone named</p> <p>13 Darden?</p> <p>14 A. Please clarify that question, sir.</p> <p>15 Q. Are you blood kin to anybody in the</p> <p>16 Darden family?</p> <p>17 A. I still can't understand your</p> <p>18 question. If you could clarify that</p> <p>19 question, the question, then I could</p> <p>20 answer.</p> <p>21 Q. Do you have any grandparents or</p> <p>22 parents or brothers or sisters whose</p> <p>23 last name is Darden?</p>	<p>1 A. Mamie Mims Darden is a mother-in-law</p> <p>2 of Paul Pogue.</p> <p>3 Q. And who is Valissa Darden Pogue?</p> <p>4 A. Valissa Darden Pogue is the wife of</p> <p>5 Paul Pogue.</p> <p>6 Q. All right, Mr. Pogue. Let's go back</p> <p>7 to Exhibit 13 -- excuse me --</p> <p>8 Exhibit 1, in paragraph 13 of that</p> <p>9 exhibit. Paragraph 13 says, A</p> <p>10 spectator identified the found</p> <p>11 equipment and machinery as that</p> <p>12 equipment which most likely severed</p> <p>13 unmanufactured forestry product from</p> <p>14 Plaintiff Surveyors' Park's soil. Do</p> <p>15 you see where I'm reading?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Who is the spectator that you're</p> <p>18 referring to?</p> <p>19 A. The spectator is an unnamed person.</p> <p>20 The person did not identify himself.</p> <p>21 But it was a white male.</p> <p>22 Q. So a white male told you that he had</p> <p>23 seen equipment and machinery?</p>

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<p>1 A. Yes, sir.</p> <p>2 Q. When did he tell you this?</p> <p>3 A. Well, that was referring to a visit to</p> <p>4 the particular Surveyors' Park that we</p> <p>5 are speaking of in this particular</p> <p>6 lawsuit. A visit to the location led</p> <p>7 the young man to identify this</p> <p>8 particular equipment.</p> <p>9 Q. So you had a conversation with this</p> <p>10 person?</p> <p>11 A. Yes.</p> <p>12 Q. Where did that conversation take</p> <p>13 place?</p> <p>14 A. We were on the dirt road, the unnamed</p> <p>15 dirt road.</p> <p>16 Q. And that dirt road is different from</p> <p>17 State Highway 219?</p> <p>18 A. Yes, it is.</p> <p>19 Q. Where is the dirt road located?</p> <p>20 A. I'm not a surveyor, but the dirt road</p> <p>21 is somewhat west of that state</p> <p>22 highway.</p> <p>23 Q. Who owns the property around that dirt</p>	<p>1 equipment.</p> <p>2 Q. How did he come to see the equipment?</p> <p>3 A. That particular person, as I told you,</p> <p>4 as it says, the spectator identified</p> <p>5 the found equipment and machinery and</p> <p>6 equipment which mostly likely</p> <p>7 severed -- that particular person was</p> <p>8 on that equipment. Yeah.</p> <p>9 Q. He was on the equipment?</p> <p>10 A. Yes.</p> <p>11 Q. Was he operating the equipment?</p> <p>12 A. Well, it was being operated, yes.</p> <p>13 Q. What was the equipment doing?</p> <p>14 A. Leaving the particular property.</p> <p>15 Q. Who is Jimmy Ingram, who is referred</p> <p>16 to in paragraph 14?</p> <p>17 A. He's believed -- at this point, I have</p> <p>18 not taken his deposition. I wouldn't</p> <p>19 actually know Jimmy Ingram other than</p> <p>20 what is generally understood in the</p> <p>21 public domain, which is that he's a</p> <p>22 member of International Paper Company</p> <p>23 and the owner of the equipment. And</p>
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<p>1 road where that conversation took</p> <p>2 place?</p> <p>3 A. I think the county does, but I'm not</p> <p>4 for certain.</p> <p>5 Q. Not the road itself, but the real</p> <p>6 property surrounding the dirt road?</p> <p>7 That's what I'm asking about. Are you</p> <p>8 saying the county owns the property in</p> <p>9 the area?</p> <p>10 A. I think it does. I think they have a</p> <p>11 right-of-way where this particular</p> <p>12 matter took place. And what,</p> <p>13 apparently, 13 is referring to, I</p> <p>14 think the state highway department</p> <p>15 owns.</p> <p>16 Q. When you get past the right-of-way,</p> <p>17 who owns the real property?</p> <p>18 A. I think there's a gentleman -- I don't</p> <p>19 know -- I don't really know who that</p> <p>20 particular person is.</p> <p>21 Q. What was the spectator doing there?</p> <p>22 A. He did not identify himself, but he</p> <p>23 was explaining to me about the</p>	<p>1 he's also believed to be, and</p> <p>2 generally recognized, as a Caucasian</p> <p>3 white male.</p> <p>4 Q. Do you understand that Jimmy Ingram is</p> <p>5 an employee of International Paper?</p> <p>6 A. He's believed to be. I don't -- I</p> <p>7 don't have the International Paper</p> <p>8 roster. As I've said, I have never</p> <p>9 taken his deposition.</p> <p>10 Q. Is that what you believe to be the</p> <p>11 case?</p> <p>12 A. Yes.</p> <p>13 Q. Why do you believe that to be the</p> <p>14 case?</p> <p>15 A. That's what's in the public domain.</p> <p>16 Q. Did somebody tell you that --</p> <p>17 A. Yes, sir.</p> <p>18 Q. -- they think --</p> <p>19 A. That's right. The public. The people</p> <p>20 in the public.</p> <p>21 Q. If I may, please, Mr. Pogue, it will</p> <p>22 help if you allow me to finish my</p> <p>23 question before you answer. It will</p>

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<p>1 help when we get the transcript back</p> <p>2 to make sure that the question I'm</p> <p>3 asking and the question you're</p> <p>4 answering are one and the same.</p> <p>5 A. Yes, sir.</p> <p>6 Q. Did somebody tell you that Jimmy</p> <p>7 Ingram is an employee of International</p> <p>8 Paper?</p> <p>9 A. Yes.</p> <p>10 Q. Who told you that?</p> <p>11 A. It was being talked about at the water</p> <p>12 well. So there were several people</p> <p>13 standing around the water well and</p> <p>14 they identified Jimmy Ingram.</p> <p>15 Q. What is this water well you're</p> <p>16 speaking of?</p> <p>17 A. Well, this is a place where people</p> <p>18 congregate, come together to just talk</p> <p>19 in that particular community.</p> <p>20 Q. Is the water well located on --</p> <p>21 A. State property -- excuse me.</p> <p>22 Q. It's located on state property?</p> <p>23 A. Yes.</p>	<p>1 written here, it speaks for itself.</p> <p>2 But the people that were in the blue</p> <p>3 van were white citizens and they were</p> <p>4 stopped and questioned extensively</p> <p>5 about their whereabouts and what were</p> <p>6 they doing out there on my property.</p> <p>7 Q. Who asked them that question?</p> <p>8 A. I did.</p> <p>9 Q. And on what property was it?</p> <p>10 A. That was on the strip of land where</p> <p>11 the personal property which we're</p> <p>12 referring to as Surveyors' Park which</p> <p>13 is different from other land, sir.</p> <p>14 Q. Is it your belief that anybody who is</p> <p>15 employed by the forestry commission</p> <p>16 was one of the people in the blue van?</p> <p>17 A. No, the forestry commission officials</p> <p>18 were not in that van.</p> <p>19 Q. Did that blue van cause any damage to</p> <p>20 any personal property owned by you or</p> <p>21 Surveyors' Park?</p> <p>22 A. I would say yes.</p> <p>23 Q. What damage are you speaking of?</p>
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<p>1 Q. Is it a park of some sort?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Who was present at the water well when</p> <p>4 this conversation took place?</p> <p>5 A. Unknown people that were coming to get</p> <p>6 their water jugs filled up. I didn't</p> <p>7 ask -- I didn't ask -- I didn't intend</p> <p>8 to identify them and didn't want to</p> <p>9 identify their names.</p> <p>10 Q. What led you to believe that</p> <p>11 Mr. Ingram owned the equipment?</p> <p>12 A. At that particular time, as I said,</p> <p>13 the spectator identified Jimmy Ingram.</p> <p>14 Q. Look at paragraph 16, please,</p> <p>15 Mr. Pogue --</p> <p>16 A. Yes, sir.</p> <p>17 Q. -- which is on page 5 of the</p> <p>18 Complaint. And it speaks of a blue</p> <p>19 van occupied by seven white citizens.</p> <p>20 Do you see where I'm reading?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Tell me about that incident.</p> <p>23 A. Well, that particular matter, as it is</p>	<p>1 A. Well, that blue van was a van that had</p> <p>2 a lot of oil, chemicals, and other</p> <p>3 types of substances in the back, which</p> <p>4 I happened to look at; I actually</p> <p>5 opened the van. And those are the</p> <p>6 same -- that is the same debris and</p> <p>7 trash that looked to be somewhat that</p> <p>8 was left on Surveyors' Park.</p> <p>9 Q. Did you complain to anybody about the</p> <p>10 damage that you allege was caused by</p> <p>11 the people in the blue van?</p> <p>12 A. Yes, I did.</p> <p>13 Q. Who did you complain to?</p> <p>14 A. I brought that matter to the attention</p> <p>15 of the Alabama Forestry Commission.</p> <p>16 Q. Can you tell me the names of anybody</p> <p>17 in the forestry commission that you</p> <p>18 spoke to about the blue van?</p> <p>19 A. Mr. -- gentleman's name -- Danny</p> <p>20 Clark.</p> <p>21 Q. Danny Clark. When did you speak to</p> <p>22 Danny Clark about this?</p> <p>23 A. I can't remember specifically, but I</p>

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<p>1 spoke to Danny Clark about it.</p> <p>2 Q. Was it on the telephone or in person?</p> <p>3 A. In person.</p> <p>4 Q. Where did that conversation take</p> <p>5 place?</p> <p>6 A. On a dirt road on a trail.</p> <p>7 Q. Is it --</p> <p>8 A. We were standing on the trail.</p> <p>9 Q. Is it near the strip of property where</p> <p>10 the personal property is located?</p> <p>11 A. That's right.</p> <p>12 Q. Now, paragraph 17, Mr. Pogue, says,</p> <p>13 Plaintiff learned that an</p> <p>14 International Paper Company employee</p> <p>15 was the first to greet and meet with</p> <p>16 the Alabama Forestry Commission</p> <p>17 employees on the grounds of Surveyors'</p> <p>18 Park. Who was the International Paper</p> <p>19 Company employee you're speaking of?</p> <p>20 A. That particular person did not</p> <p>21 identify his name, but he was the</p> <p>22 person that was with Danny Clark when</p> <p>23 I entered the property at the location</p>	<p>1 Danny Clark.</p> <p>2 MS. BRELAND: Was Tony</p> <p>3 Chandler there?</p> <p>4 MR. POGUE: I don't know. But</p> <p>5 they're investigators.</p> <p>6 MS. BRELAND: Oh, I know.</p> <p>7 Were you there?</p> <p>8 MR. POGUE: No, I was not</p> <p>9 there.</p> <p>10 Q. Did you see this other person who was</p> <p>11 with Danny Clark?</p> <p>12 A. I saw that person as I drove upon the</p> <p>13 dirt road. I did.</p> <p>14 Q. Okay. Did you get a good look at him?</p> <p>15 A. Not really.</p> <p>16 Q. Okay. Was that other person, was he</p> <p>17 African-American or was he Caucasian?</p> <p>18 A. This particular person looked to be a</p> <p>19 crossbreed.</p> <p>20 Q. Was he shorter or taller than</p> <p>21 Mr. Clark?</p> <p>22 A. I didn't pay that much attention to</p> <p>23 him.</p>
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<p>1 of concern.</p> <p>2 Q. All right. So you entered the</p> <p>3 property and you saw Danny Clark there</p> <p>4 and Danny Clark was with someone else;</p> <p>5 correct?</p> <p>6 A. Right.</p> <p>7 Q. And that someone else you believe to</p> <p>8 be an International Paper employee;</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. What makes you believe that other</p> <p>12 person was an International Paper</p> <p>13 Company employee?</p> <p>14 A. Several people in the community</p> <p>15 identified that individual as an</p> <p>16 International Paper Company employee.</p> <p>17 Q. Who?</p> <p>18 A. The people around the water well.</p> <p>19 Q. Okay.</p> <p>20 MS. BRELAND: Well, what did</p> <p>21 he look like?</p> <p>22 MR. POGUE: That would be a</p> <p>23 question to ask Tony Chandler and</p>	<p>1 Q. Do you have an understanding as to why</p> <p>2 the people around the water well</p> <p>3 thought that was an International Paper</p> <p>4 employee?</p> <p>5 A. No, sir.</p> <p>6 Q. What did you say to the people around</p> <p>7 the water well about this person who</p> <p>8 was with Danny Clark?</p> <p>9 A. Well, what happened, Danny Clark --</p> <p>10 Danny Clark is the -- is the person</p> <p>11 that claimed to be a state forester</p> <p>12 that was with several people prior to</p> <p>13 me coming to Surveyors' Park. So</p> <p>14 Danny Clark met with me, Paul Pogue,</p> <p>15 and I gave him a public announcement</p> <p>16 document about Surveyors' Park and</p> <p>17 pointed out to him the damage and</p> <p>18 destruction that was done, and he</p> <p>19 specifically stated to me that he</p> <p>20 would have that taken care of. I said</p> <p>21 at that time, People, you all can go,</p> <p>22 those that I could not identify as</p> <p>23 having any rights and authority to be</p>

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<p>1 in and around or near this matter of</p> <p>2 concern.</p> <p>3 And as those people left with</p> <p>4 equipment and other things, they made</p> <p>5 a right, which would be going back in</p> <p>6 an eastward direction, and there I</p> <p>7 discovered that those very people,</p> <p>8 they were all Caucasian, were around</p> <p>9 the water well. And Danny Clark</p> <p>10 mysteriously appeared there. And as I</p> <p>11 was leaving traveling along the state</p> <p>12 highway headed eastward, I happened to</p> <p>13 see Danny Clark's state forestry truck</p> <p>14 there, and so I came back to that</p> <p>15 location. Danny Clark moved on, and</p> <p>16 that's when people started talking to</p> <p>17 me.</p> <p>18 Q. And that sequence of events, is that</p> <p>19 what led the people to believe that</p> <p>20 the person meeting with Danny Clark</p> <p>21 was an International Paper employee?</p> <p>22 A. All of that -- that whole conversation</p> <p>23 about the International Paper Company</p>	<p>1 International Paper employee on the</p> <p>2 property; is that correct?</p> <p>3 A. I saw Danny Clark meet with the</p> <p>4 International Paper Company employee.</p> <p>5 And the fact that it was confirmed to</p> <p>6 me that it was an International Paper</p> <p>7 Company employee, I'm satisfied. So I</p> <p>8 would be the evidence.</p> <p>9 Q. Okay. And the reason you're satisfied</p> <p>10 is solely because you heard it around</p> <p>11 the water well; correct?</p> <p>12 A. And it was confirmed by, I think,</p> <p>13 Danny Clark at that time.</p> <p>14 Q. Did Danny Clark tell you he was</p> <p>15 meeting with an International Paper</p> <p>16 employee?</p> <p>17 A. I believe he did.</p> <p>18 Q. What did Danny Clark say to you during</p> <p>19 this conversation?</p> <p>20 A. Danny Clark was more apologetic about</p> <p>21 what had occurred. And Danny Clark</p> <p>22 had a conversation -- he explained</p> <p>23 that he had had a conversation with</p>
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<p>1 employee or who owns the equipment,</p> <p>2 the whereabouts of the various people</p> <p>3 that were involved or what were they</p> <p>4 doing out there. So it was just a</p> <p>5 gossip conversation that took place.</p> <p>6 Q. Do you have any evidence, other than</p> <p>7 this gossip conversation, that Danny</p> <p>8 Clark was meeting with an</p> <p>9 International Paper employee?</p> <p>10 A. I'm the person that happened to see</p> <p>11 it. I'm the evidence. I saw that</p> <p>12 with my eyes.</p> <p>13 Q. I understand you saw Danny meeting</p> <p>14 with somebody. Do you have any</p> <p>15 evidence that that somebody worked for</p> <p>16 International Paper?</p> <p>17 A. Other than what was said to me. At</p> <p>18 this point, I have not done discovery.</p> <p>19 Q. As of this date in time, as we sit</p> <p>20 here today, you don't have any</p> <p>21 evidence, other than what was said</p> <p>22 around the water well, that Danny</p> <p>23 Clark was meeting with an</p>	<p>1 that particular gentleman prior to me</p> <p>2 getting there, an extensive</p> <p>3 conversation, maybe thirty minutes to</p> <p>4 an hour. So it would be Danny Clark</p> <p>5 that would place this particular</p> <p>6 individual, which is, I believe to be,</p> <p>7 an International Paper Company</p> <p>8 employee.</p> <p>9 Q. And you don't know that other person's</p> <p>10 name; correct?</p> <p>11 A. Not at this time.</p> <p>12 Q. Had you asked Danny Clark to meet you</p> <p>13 on the property?</p> <p>14 A. No, I did not.</p> <p>15 Q. Did Danny Clark ask you to meet him on</p> <p>16 the property?</p> <p>17 A. No, he did not.</p> <p>18 Q. Did somebody ask you to meet Danny</p> <p>19 Clark on the property?</p> <p>20 A. The Alabama Forestry Commission, as I</p> <p>21 told you earlier, handles those</p> <p>22 particular matters.</p> <p>23 Q. Okay. So a dispatcher said Danny</p>

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<p>1 Clark or somebody is going to meet you</p> <p>2 on the property?</p> <p>3 A. No. The dispatcher did make</p> <p>4 statements. The dispatcher referred</p> <p>5 my concern -- we're talking about in</p> <p>6 this particular case -- my concern to</p> <p>7 some gentleman, which was in</p> <p>8 Montgomery County. The particular</p> <p>9 gentleman in Montgomery County stated</p> <p>10 that that was outside of his area, so</p> <p>11 we spoke with a gentleman or some</p> <p>12 woman or somebody by phone in a place</p> <p>13 called Brewton. Then that person out</p> <p>14 of Brewton then called somebody back</p> <p>15 in Montgomery County and we were</p> <p>16 standing together down in this</p> <p>17 particular building and then someone</p> <p>18 else got on the phone and somehow</p> <p>19 whomever it was directed me to go back</p> <p>20 to the point and location of concern.</p> <p>21 And that's how that come about.</p> <p>22 Q. Okay. And when you got there, that's</p> <p>23 when you saw Danny Clark?</p>	<p>1 Q. Did Danny Clark introduce you to any</p> <p>2 of them?</p> <p>3 A. I would say no. But I would make it</p> <p>4 more clear. I think Danny Clark</p> <p>5 allowed Mr. Hudson -- that was another</p> <p>6 gentleman there. This gentleman's</p> <p>7 name is Hudson. I do not know his</p> <p>8 first name. Afro-American person that</p> <p>9 was very polite and very good person.</p> <p>10 And I did notice that Danny Clark was</p> <p>11 using Mr. Hudson's cell phone making</p> <p>12 several calls.</p> <p>13 Q. Okay. Did you -- did anyone tell you</p> <p>14 who Mr. Hudson worked for?</p> <p>15 A. Mr. Hudson identified himself as a</p> <p>16 person that works for the state.</p> <p>17 Q. Did he tell you that it was a forestry</p> <p>18 commission?</p> <p>19 A. No, he didn't tell me that.</p> <p>20 Q. Did somebody tell you that Mr. Hudson</p> <p>21 worked for the forestry commissions?</p> <p>22 A. Danny Clark did.</p> <p>23 Q. Did Danny Clark tell you who any of</p>
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<p>1 A. That's when I saw several people. But</p> <p>2 Danny Clark was an individual that</p> <p>3 came up and identified himself as a</p> <p>4 forestry commission employee.</p> <p>5 Q. How many people were there?</p> <p>6 A. Maybe about six or seven people, I</p> <p>7 would assume. I didn't really count</p> <p>8 for accuracy.</p> <p>9 Q. That's fine.</p> <p>10 A. But it was more than Danny Clark.</p> <p>11 Q. So it was you --</p> <p>12 A. No. No, sir, not counting myself.</p> <p>13 Q. Okay. Not counting yourself. It was</p> <p>14 Danny Clark and six or seven other</p> <p>15 people?</p> <p>16 A. Right.</p> <p>17 Q. Do you know who any of those six or</p> <p>18 seven other people are?</p> <p>19 A. No, sir.</p> <p>20 Q. Did any of those six or seven other</p> <p>21 people identify themselves to you by</p> <p>22 name?</p> <p>23 A. No, sir.</p>	<p>1 the other people were?</p> <p>2 A. No, he did not.</p> <p>3 Q. Do you have a copy of the news release</p> <p>4 that you gave to Danny Clark?</p> <p>5 A. No, I do not.</p> <p>6 Q. Do you have a copy with you today?</p> <p>7 A. No, sir.</p> <p>8 Q. Do you have a copy with you at home or</p> <p>9 anywhere else?</p> <p>10 A. No, sir.</p> <p>11 Q. Do you know who might have a copy of</p> <p>12 that?</p> <p>13 A. Danny Clark.</p> <p>14 Q. Is there anybody else who would have a</p> <p>15 copy of that, that you know of?</p> <p>16 A. No, sir.</p> <p>17 Q. Did that news release ever appear in</p> <p>18 any newspapers?</p> <p>19 A. I think it did.</p> <p>20 Q. Which newspaper?</p> <p>21 A. I'm not familiar.</p> <p>22 Q. What did you say to Mr. Clark during</p> <p>23 the course of this meeting?</p>

20 (Pages 77 to 80)

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<p>1 A. I spoke with Mr. Clark about the need</p> <p>2 to allow three or four Caucasians, or</p> <p>3 white kids, that were on the property</p> <p>4 to go without question. And I also</p> <p>5 told Mr. Clark to let the disabled man</p> <p>6 go, which was a white man. And I</p> <p>7 think there was a white lady there and</p> <p>8 I told them to let those people go,</p> <p>9 and not to question another little</p> <p>10 white boy, which was about seven or</p> <p>11 eight or nine years old, and not to</p> <p>12 question the little bitty white girl</p> <p>13 and that she can go on my property and</p> <p>14 get -- go get her a nice little</p> <p>15 flower, which she did, and pinned to</p> <p>16 her little pretty dress, and she went</p> <p>17 on.</p> <p>18 Q. Okay. So the disabled white person</p> <p>19 and the young girl and the young boy</p> <p>20 were all there at the same time?</p> <p>21 A. Yes, they were.</p> <p>22 Q. Do you know who they were?</p> <p>23 A. No. And I did not want Mr. Clark nor</p>	<p>1 permission, you didn't want them to be</p> <p>2 investigated or prosecuted; is that</p> <p>3 correct?</p> <p>4 A. Right.</p> <p>5 Q. What else did you say to Danny Clark</p> <p>6 during this meeting?</p> <p>7 A. I explained to Danny Clark that as a</p> <p>8 state forester that investigates, he</p> <p>9 needed to get involved and look at</p> <p>10 what was going on. I also gave him</p> <p>11 full range and permission to walk in</p> <p>12 and about Surveyors' Park trail, and</p> <p>13 that he did.</p> <p>14 Q. But --</p> <p>15 A. And before -- before he left the</p> <p>16 property, I explained to him what a</p> <p>17 Christian person would do. He said</p> <p>18 that he was a Christian. I said,</p> <p>19 Here's a copy of this park document.</p> <p>20 I'd like for you to read it and if in</p> <p>21 some kind of way if you can support</p> <p>22 this nonprofit effort, do it. And he</p> <p>23 took it and said that all these</p>
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<p>1 Mr. Hudson to bother them.</p> <p>2 Q. Were Mr. Clark or Mr. Hudson bothering</p> <p>3 those people?</p> <p>4 A. Well, the fact that I had met with</p> <p>5 Mr. Danny Clark and explained to him</p> <p>6 the frustration that I was</p> <p>7 experiencing at that time and to</p> <p>8 happen to see those young people</p> <p>9 traveling down the Surveyors' Park</p> <p>10 trail and to not know those particular</p> <p>11 people, I did not want anything to</p> <p>12 happen to those people.</p> <p>13 Q. Were they just taking a walk on the</p> <p>14 property?</p> <p>15 A. As I said, those people were on the</p> <p>16 property without my permission nor</p> <p>17 consent.</p> <p>18 Q. Okay.</p> <p>19 A. And they happened to come to that</p> <p>20 resting location where Clark and I</p> <p>21 were standing.</p> <p>22 Q. I see. So those people were there,</p> <p>23 but although they didn't have your</p>	<p>1 matters would be resolved.</p> <p>2 Q. What is it that you wanted Mr. Clark</p> <p>3 to look into?</p> <p>4 A. Wanted Mr. Clark to apply his</p> <p>5 authority as an investigator and</p> <p>6 determine exactly what had happened to</p> <p>7 the property in terms of destruction</p> <p>8 to the land, destruction to the real</p> <p>9 property, just what had happened to</p> <p>10 change the character in relationship</p> <p>11 of Surveyors' Park as I knew it to be,</p> <p>12 which it wasn't after those matters</p> <p>13 were brought to the attention to the</p> <p>14 forestry commission. So it was a</p> <p>15 continuation of my complaint.</p> <p>16 Q. What destruction of property are you</p> <p>17 speaking of?</p> <p>18 A. Well, you've got, as I said earlier,</p> <p>19 we had oil everywhere. We had</p> <p>20 chemicals everywhere. We had all</p> <p>21 types of things out there that the</p> <p>22 forestry commissions deal with.</p> <p>23 Q. Did Mr. Clark look into these things?</p>

21 (Pages 81 to 84)

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<p>1 A. He said that he would.</p> <p>2 Q. Do you know if he did or not?</p> <p>3 A. Well, from all indication, nothing was</p> <p>4 done as agreed to by myself and</p> <p>5 Mr. Clark.</p> <p>6 Q. Do you know whether or not Mr. Clark</p> <p>7 investigated?</p> <p>8 A. According to Mr. Clark, he said he</p> <p>9 investigated the matter.</p> <p>10 Q. Do you have any reason to believe that</p> <p>11 he did not investigate the matter?</p> <p>12 A. I have to reason to believe that he</p> <p>13 didn't do an adequate investigation or</p> <p>14 his investigation was slanted for</p> <p>15 racial reasons.</p> <p>16 Q. That's a very serious allegation,</p> <p>17 Mr. Pogue. What is it that you</p> <p>18 think -- what makes you believe that</p> <p>19 Mr. Clark's investigation was slanted</p> <p>20 for racial reasons?</p> <p>21 A. First of all, as it was understood and</p> <p>22 determined out there on the property,</p> <p>23 all of these people that were involved</p>	<p>1 matters and those involved and</p> <p>2 equipment involved, which are owned by</p> <p>3 white people, caused Mr. Clark to do</p> <p>4 nothing, which would benefit all white</p> <p>5 people.</p> <p>6 Q. What evidence do you have, if any,</p> <p>7 that Mr. Clark handled his</p> <p>8 investigation in particular ways</p> <p>9 because of either your race or the</p> <p>10 race of the other people involved?</p> <p>11 A. Well, he knew my race and he also knew</p> <p>12 the race of all those people that were</p> <p>13 involved. Plus, if you understand the</p> <p>14 Alabama law as it relates to forestry</p> <p>15 laws, you'll understand that he has</p> <p>16 the full range of authority to get to</p> <p>17 the bottom of what was going on and to</p> <p>18 ascertain what needed to be done and</p> <p>19 what needed not to be done at his</p> <p>20 discretion, and he went above and</p> <p>21 beyond that. And one of the first and</p> <p>22 early on matters that seems to suggest</p> <p>23 that he was somehow connected to a</p>
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<p>1 in what we're talking about, which</p> <p>2 makes the basis of this Complaint,</p> <p>3 were white people. And for the</p> <p>4 destruction to take place and for the</p> <p>5 theft to take place and all other</p> <p>6 matters to take place that were</p> <p>7 wronged to myself and Surveyors' Park,</p> <p>8 they were all white people. And if</p> <p>9 you're looking at the forestry and</p> <p>10 related laws, it specifically tells</p> <p>11 you what you must do and what you must</p> <p>12 not do irrespective of race, color,</p> <p>13 creed, national origin.</p> <p>14 Q. Do you have any evidence that</p> <p>15 Mr. Clark discriminated against you on</p> <p>16 the basis of your race?</p> <p>17 A. All indications that I think a jury,</p> <p>18 if they were to hear the facts, they</p> <p>19 will conclude that definitely not only</p> <p>20 was I discriminated and denied equal</p> <p>21 benefits under the workings of the</p> <p>22 law, but also it would be clearly</p> <p>23 shown that due to the nature of the</p>	<p>1 racial effort to not do was when he</p> <p>2 congregated with those that actually</p> <p>3 had actually done wrong and were</p> <p>4 getting away from the property. So</p> <p>5 you got different people, different</p> <p>6 groups of people that were involved.</p> <p>7 Q. Okay. And you said because you saw</p> <p>8 Mr. Clark with those other groups of</p> <p>9 people, that leads you to believe that</p> <p>10 he discriminated against you?</p> <p>11 A. Well, in order to prove</p> <p>12 discrimination, I would think, and I'm</p> <p>13 not a judge or justice of the supreme</p> <p>14 court. I'm not a person that would</p> <p>15 deal with the writing of the laws and</p> <p>16 interpreting the laws. But I would</p> <p>17 think that the way that I would want</p> <p>18 to make the allegation, say that this</p> <p>19 took place, would be to find whether</p> <p>20 or not the forestry commission has</p> <p>21 done similar matters or how have they</p> <p>22 treated -- treated white people. And</p> <p>23 I think that there will be enough</p>

22 (Pages 85 to 88)

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<p>1 information, again, once the discovery</p> <p>2 is done, to confirm this particular</p> <p>3 matter. But I would leave it to the</p> <p>4 judge and jury.</p> <p>5 Q. Do you have any facts or</p> <p>6 investigations or information or</p> <p>7 evidence that the forestry commission</p> <p>8 has treated black people differently</p> <p>9 from white people?</p> <p>10 A. Mr. Conway is not in here, but I think</p> <p>11 I spoke with him by phone -- and he's</p> <p>12 supposed to be a forestry commission</p> <p>13 attorney -- and I asked that we do the</p> <p>14 deposition of Clark and Chandler all</p> <p>15 in one day so that we wouldn't have</p> <p>16 the cart before the horse today are</p> <p>17 the people that were blessed and</p> <p>18 entitled with the Alabama law of</p> <p>19 protection to investigate matters. I</p> <p>20 was not given that authority to do so.</p> <p>21 So I would need to question those</p> <p>22 particular people extensively to come</p> <p>23 to the conclusion. But as it stands</p>	<p>1 is because you were black and because</p> <p>2 they and the other people that are</p> <p>3 involved are white; is that correct?</p> <p>4 A. I'm saying that the forestry laws</p> <p>5 would dictate bearing out the truth of</p> <p>6 the race and the truth of how I was</p> <p>7 treated versus how others were treated</p> <p>8 by the forestry commission --</p> <p>9 Q. Have --</p> <p>10 A. -- under like and similar</p> <p>11 circumstances.</p> <p>12 Q. Have you told me all the evidence or</p> <p>13 facts that you have available to you</p> <p>14 today that suggest that Mr. Clark or</p> <p>15 Mr. Chandler discriminated against you</p> <p>16 on the basis of race?</p> <p>17 A. Well, as I said earlier, my Complaint</p> <p>18 speaks for itself. And I'm</p> <p>19 incorporating my Complaint in my</p> <p>20 entire conversation. But as I said,</p> <p>21 Mr. Conway did not make Chandler nor</p> <p>22 Clark available to me so that I can</p> <p>23 take their depositions and get the</p>
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<p>1 now, I would rely on the judge and</p> <p>2 jury to conclude that.</p> <p>3 MS. BRELAND: Do you have any</p> <p>4 personal knowledge of any</p> <p>5 discrimination by Mr. Clark or</p> <p>6 Mr. Chandler against any other person</p> <p>7 than yourself?</p> <p>8 MR. POGUE: I would have to --</p> <p>9 please do understand that I do not</p> <p>10 recognize Clark and Chandler as the</p> <p>11 forestry commission. I recognize them</p> <p>12 as agents. So I would be looking at</p> <p>13 what the forestry commission has done,</p> <p>14 what the forestry commission continues</p> <p>15 to do, a pattern and practice there.</p> <p>16 Q. Do you have any information that</p> <p>17 Mr. Clark or Mr. Chandler have</p> <p>18 discriminated against anybody as a</p> <p>19 result of their race?</p> <p>20 A. Yes, myself. And that's what this</p> <p>21 case is about.</p> <p>22 Q. All right. And the reason that you</p> <p>23 believe they discriminated against you</p>	<p>1 information that I know that they</p> <p>2 would have to make my case for racial</p> <p>3 discrimination. So discovery is just</p> <p>4 beginning.</p> <p>5 Q. Okay. But you've told me everything</p> <p>6 that you know up to today, correct,</p> <p>7 about any discrimination?</p> <p>8 A. I've explained to you that according</p> <p>9 to the laws and according to who I am</p> <p>10 and according to who others were and</p> <p>11 under like and similar circumstances,</p> <p>12 I would think, and I strongly believe,</p> <p>13 that racial discrimination has</p> <p>14 occurred. I also believe that my</p> <p>15 rights as a citizen have been</p> <p>16 violated, and any protection clause</p> <p>17 should support me in this effort.</p> <p>18 Q. Mr. Pogue, did you ever speak with</p> <p>19 anybody in the district attorney's</p> <p>20 office about any so-called destruction</p> <p>21 of property on Surveyors' Park?</p> <p>22 A. I -- no, sir.</p> <p>23 Q. Okay. Paragraph 20(a), Mr. Pogue,</p>

23 (Pages 89 to 92)

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<p>1 says, Clark did not prepare a report</p> <p>2 in connection with theft of property,</p> <p>3 nor did he seize Ingram's equipment.</p> <p>4 What makes you believe that Clark did</p> <p>5 not prepare a report?</p> <p>6 A. Clark told me he didn't do it.</p> <p>7 Q. What kind of report are you speaking</p> <p>8 of?</p> <p>9 A. Well, we need to go by -- like I said</p> <p>10 earlier, we need to go by what the</p> <p>11 forestry laws requires. The forestry</p> <p>12 laws require that the forestry make</p> <p>13 out a report detailing what the</p> <p>14 complainant is complaining or alleging</p> <p>15 and getting to the bottom of it, and</p> <p>16 Clark didn't do that.</p> <p>17 Q. Do you believe Mr. Clark should have</p> <p>18 seized the equipment that you're</p> <p>19 speaking of?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Why?</p> <p>22 A. Well, under the forestry laws -- and</p> <p>23 I'm not the lawyer for the forestry</p>	<p>1 not give you such a report or are you</p> <p>2 saying that nobody gave you any such</p> <p>3 report?</p> <p>4 A. Danny Clark didn't give me a report.</p> <p>5 Q. Did anybody else give you a report?</p> <p>6 A. No, sir.</p> <p>7 Q. Have you ever seen a written report</p> <p>8 about your allegations?</p> <p>9 A. I wouldn't be able to answer that</p> <p>10 question. But if you will rephrase</p> <p>11 the question, I can answer as it</p> <p>12 relates to a report.</p> <p>13 Q. How do you want me to rephrase it?</p> <p>14 A. Maybe if you ask me whether or not</p> <p>15 I've seen something that looks to be</p> <p>16 or was alleged to be a report, it</p> <p>17 would be in the affirmative.</p> <p>18 Q. Okay. Now, I just asked you that</p> <p>19 question. Have you seen something</p> <p>20 alleged to be a report?</p> <p>21 A. Yes, I did.</p> <p>22 Q. Okay. Why do you say it's not a</p> <p>23 report?</p>
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<p>1 commission -- but under the Alabama</p> <p>2 laws, the related forestry laws, it</p> <p>3 gives the forester, investigator,</p> <p>4 broad authority and discretion. And</p> <p>5 when something is on someone's</p> <p>6 property or something is going on that</p> <p>7 causes a person to file a complaint or</p> <p>8 voice the complaint and it begins at</p> <p>9 the main headquarters and then</p> <p>10 trickles down to the actual local and</p> <p>11 you discover property on -- theft of</p> <p>12 forestry equipment and other property,</p> <p>13 then naturally it's supposed to be a</p> <p>14 custom and a policy and practice for</p> <p>15 the forestry to at least identify this</p> <p>16 particular property and make it known</p> <p>17 to the landowner, make it known to the</p> <p>18 person that is alleging that his</p> <p>19 personal property has been violated.</p> <p>20 Q. And are you saying that no such report</p> <p>21 was made in this case?</p> <p>22 A. Not given to me.</p> <p>23 Q. Are you saying that Danny Clark did</p>	<p>1 A. What I saw was something that was</p> <p>2 shown to me by a young lady in Mobile</p> <p>3 Federal District Court. And I told</p> <p>4 her at that time I had nothing to do</p> <p>5 with that, knew nothing about it, and</p> <p>6 requested a copy of it.</p> <p>7 Q. Did you ever come to this building to</p> <p>8 pick something up at the front desk?</p> <p>9 A. I do not recall.</p> <p>10 Q. Did you come here intending to pick up</p> <p>11 something at the front desk?</p> <p>12 A. Do not recall.</p> <p>13 (Defendants' Exhibits 6, 7,</p> <p>14 and 8 were marked for</p> <p>15 identification.)</p> <p>16 Q. Mr. Pogue, I'm going to show you</p> <p>17 documents that I've marked as</p> <p>18 Defendants' Exhibits 6, 7, and 8.</p> <p>19 A. Yes, sir.</p> <p>20 Q. And I'll ask if any of those are the</p> <p>21 documents that you saw in Mobile that</p> <p>22 was described as a report to you.</p> <p>23 (Mr. Pogue reviews documents.)</p>

24 (Pages 93 to 96)

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<p>1 A. Ready?</p> <p>2 Q. Yes.</p> <p>3 A. As to Defendants' Exhibits 6, 7, and</p> <p>4 8, these are not the documents that I</p> <p>5 was shown or otherwise that I recall</p> <p>6 intercepting in federal court in</p> <p>7 Mobile, Alabama.</p> <p>8 Q. You don't believe any of those are the</p> <p>9 documents that somebody showed you</p> <p>10 while you were in Mobile; correct?</p> <p>11 A. Well, the lawyer -- the judge asked</p> <p>12 the lawyer -- the magistrate asked the</p> <p>13 lawyer to show me after I objected and</p> <p>14 requested that I be shown what was</p> <p>15 being ex parte shown to him. So these</p> <p>16 are not the documents that I recall</p> <p>17 seeing.</p> <p>18 (Defendants' Exhibit 9 was</p> <p>19 marked for identification.)</p> <p>20 Q. I only have one copy of this document</p> <p>21 that I've marked as Exhibit 9. May I</p> <p>22 come over so we can look at it</p> <p>23 together?</p>	<p>1 A. No, sir.</p> <p>2 (Off-the-record discussion.)</p> <p>3 (Defendants' Exhibit 10 was</p> <p>4 marked for identification.)</p> <p>5 Q. Mr. Pogue, I've handed you a document</p> <p>6 marked as Defendants' Exhibit 10.</p> <p>7 Do you recognize that document,</p> <p>8 Mr. Pogue?</p> <p>9 A. No, I do not.</p> <p>10 Q. Is the signature that appears on</p> <p>11 Exhibit 10 the signature of Valissa</p> <p>12 Darden Pogue?</p> <p>13 A. I would not know that, sir.</p> <p>14 Q. Would you recognize Valissa Darden</p> <p>15 Pogue's handwriting?</p> <p>16 A. I can't -- I'm not a handwriting</p> <p>17 expert. I can't do that.</p> <p>18 Q. Does it appear to be your wife's</p> <p>19 signature?</p> <p>20 A. I would have to object to that</p> <p>21 question. I would say I can't answer</p> <p>22 that question.</p> <p>23 Q. Do you have any idea whether or not</p>
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<p>1 A. Yes, sir.</p> <p>2 Q. It's an area photograph, Mr. Pogue,</p> <p>3 that I'll represent to you that</p> <p>4 Mr. Conway was able to get off mapping</p> <p>5 software that is of the property that</p> <p>6 was labeled as the Darden estate.</p> <p>7 And do you see where it reads State</p> <p>8 Route 219?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Do you recognize this to be the</p> <p>11 property that is at issue in either</p> <p>12 this case or in the Mobile lawsuit?</p> <p>13 A. I would object as to what's going on</p> <p>14 in the Mobile lawsuit. But I</p> <p>15 cannot -- I can't see this. I can't</p> <p>16 determine from this photograph because</p> <p>17 it's not marked north, south, east, or</p> <p>18 west, and it doesn't have the legend</p> <p>19 on it to tell me exactly what it is.</p> <p>20 So I can't identify -- I can't answer</p> <p>21 that question.</p> <p>22 Q. You're not able to tell me whether it</p> <p>23 is or whether it is not the property?</p>	<p>1 that is your wife's signature?</p> <p>2 A. No, I do not.</p> <p>3 Q. Does Valissa Darden Pogue have an</p> <p>4 address of Route 6, Box No. 334,</p> <p>5 Selma, Alabama?</p> <p>6 A. Not as I know of.</p> <p>7 Q. Do you know what that -- whose address</p> <p>8 that is, Route 6, Box 334, Selma,</p> <p>9 Alabama?</p> <p>10 A. That's an address that I'm familiar</p> <p>11 with.</p> <p>12 Q. How are you familiar with that</p> <p>13 address?</p> <p>14 A. I know it.</p> <p>15 Q. How do you know it?</p> <p>16 A. It's an address that I'm familiar</p> <p>17 with.</p> <p>18 Q. Who lives at that address?</p> <p>19 A. No one lives at that address.</p> <p>20 Q. What is located at that address?</p> <p>21 A. That's a postal number that the -- I</p> <p>22 think it gets -- you have to ask the</p> <p>23 postal authority about that.</p>

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<p>1 Q. Do you know who gets mail at that 2 address? 3 A. I do. 4 Q. Does anyone reside at that address? 5 A. No, sir. 6 Q. Do you know if Valissa Darden Pogue 7 made a complaint to the Alabama 8 Forestry Commission? 9 A. No, sir. 10 Q. Do you know if she ever sent a letter 11 to the Alabama Forestry Commission? 12 A. No, sir. 13 Q. This Exhibit 10 purports to complain 14 about criminal trespass, destruction 15 of property, and transporting and 16 selling of stolen timber fiber from 17 property located at section 8, 18 township 18 north, at range 10 east, 19 Perry County, Alabama. Do you know 20 who owns that real property? 21 A. No, sir. 22 Q. Do you own that real property? 23 A. No, sir.</p>	<p>1 Q. Okay. What did you see in Mobile, 2 what documents? 3 A. The document that Magistrate Cassady 4 instructed Sandra G. Robinson to show 5 to me that Sandra G. Robinson had gone 6 on her own to engage in ex parte 7 communications with Magistrate 8 Cassady. And I said to Mr. Cassady, I 9 would like to see exactly what she's 10 showing you. So those particular 11 documents that were shown to me are 12 different from what I can identify 13 here that you have marked as 14 Exhibit 6 -- 15 Q. Did you receive -- 16 A. -- 7. 17 Q. Did you receive a copy of the 18 documents that you saw in Mobile? 19 A. No, sir. 20 Q. Did you bring any documents with you 21 today, Mr. Pogue? 22 A. No, sir. 23 Q. What do you have in the notebook</p>
Page 102	Page 104
<p>1 Q. Do you know if your wife ever made a 2 complaint to the forestry commission 3 about stolen timber? 4 A. No, sir. 5 Q. Are you bringing this lawsuit on 6 behalf of your wife? 7 A. The lawsuit speaks for itself. The 8 one that I'm bringing is on behalf of 9 Paul Pogue and Paul Pogue in his 10 capacity of Surveyors' Park. 11 Q. You're intending to assert claims only 12 on behalf of Paul Pogue and who? 13 A. Exhibit 1 speaks for itself. Paul 14 Pogue and Paul Pogue in his capacity 15 as owner of Surveyors' Park. 16 Q. When you saw documents in Mobile, 17 Mr. Pogue -- 18 A. Yes, sir. 19 Q. -- and I'm talking about the documents 20 that somebody said was a report but 21 you say is not a report. Do you know 22 what I'm speaking of? 23 A. Not exactly.</p>	<p>1 that's in front of you? 2 A. That's -- that's the notice of the 3 deposition of Paul Pogue. 4 Q. What else is in the notebook? 5 A. That's something of a commercial 6 business nature. Has nothing to do 7 with this case. 8 Q. Did you ever receive a fax from Tony 9 Chandler? 10 A. Could you rephrase your question? 11 Q. Did Tony Chandler ever send a fax to 12 you? 13 A. Tony Chandler faxed a report to the 14 forestry commission and I received a 15 copy from the Alabama Forestry 16 Commission. 17 Q. Do you still have that, Mr. Pogue -- 18 A. No. 19 Q. -- that fax? 20 A. This -- you -- I think you -- you have 21 it. It's dealing with something that 22 Danny Clark -- yes, that's your 23 Exhibit 3.</p>

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<p>1 Q. Okay. It says, Please give this copy 2 of scale tickets to Paul Pogue? 3 A. Right. 4 Q. And is that all that you received from 5 Mr. Clark? 6 A. I didn't receive it from Mr. Clark. 7 Q. I beg your pardon. I meant from 8 Mr. Chandler. Is that all you 9 received from Tony? 10 A. I didn't receive it from Tony 11 Chandler. 12 Q. Who did you receive it from? 13 A. From the Alabama Forestry Commission. 14 Q. Is that all that you received from the 15 Alabama Forestry Commission? 16 A. And I think I received a letter from 17 an attorney from the Alabama Forestry 18 Commission. 19 MS. BRELAND: Would that have 20 been from me or Mr. Conway? 21 MR. POGUE: I don't remember 22 it being Mr. Conway. 23 MS. BRELAND: Would it have</p>	<p>1 Q. I'll show you a document marked as 2 Exhibit 11, Mr. Pogue. 3 A. Yes, sir. 4 Q. I've marked it as Exhibit 11. Have 5 you ever seen that document before 6 today? 7 A. I cannot say that I have. But I can 8 say that I've received something that 9 looks similar to this -- 10 Q. Okay. 11 A. -- from the Alabama Forestry 12 Commission. 13 Q. Do you know what Exhibit 12 shows? 14 A. I don't have Exhibit 12. 15 Q. I beg your pardon. I meant 11. I 16 just misnumbered. 17 (No immediate response given.) 18 Q. Mr. Pogue, do you know what is shown 19 on Exhibit 11? 20 A. No, sir. But I've looked at it. 21 Q. Do you know if they are scale tickets? 22 A. It says, International Paper Riverdale 23 Mill, fiber scale ticket.</p>
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<p>1 been from me? 2 MR. POGUE: I don't remember. 3 But it was someone that alleged to be 4 an attorney for the state. 5 Q. Do you have a copy of that? 6 A. No, I do not. 7 Q. What did you do with it? 8 A. Discarded it. 9 Q. What did it say? 10 A. I don't remember, but I do remember 11 that it was a letter from an attorney. 12 Q. What was it about? 13 A. I don't recall. 14 Q. Was it about Surveyors' Park or 15 Surveyors' Park property or 16 International Paper? 17 A. I don't recall. But I'm not the 18 attorney for the forestry commission. 19 Q. Did it have anything to do with this 20 lawsuit? 21 A. Not as I know of. 22 (Defendants' Exhibit 11 was 23 marked for identification.)</p>	<p>1 Q. And you're not sure if this is what 2 was given to you previously by the 3 forestry commission? 4 A. No, sir. 5 Q. Did you receive any scale tickets from 6 the forestry commission? 7 A. I received from the front -- well, 8 Madison -- Madison 513 or 512 Madison 9 office this particular -- something 10 that looks similar to this particular 11 document and the document you've 12 identified as Exhibit 3. 13 Q. Did you keep that document? 14 A. Sir? 15 Q. Did you keep that document that you 16 received from the forestry commission? 17 A. No, sir. 18 Q. What did you do with it? 19 A. Discarded it. 20 Q. When did you discard it? 21 A. The day I received it. 22 Q. Why did you discard it? 23 A. Because it was nothing that I could</p>

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<p>1 recognize as identifying me; thought</p> <p>2 it was an error.</p> <p>3 Q. You thought they had sent you copies</p> <p>4 of the wrong scale tickets?</p> <p>5 A. No, I didn't say that. I said it had</p> <p>6 nothing to do with me.</p> <p>7 Q. Do you need a break, Mr. Pogue?</p> <p>8 A. No, sir.</p> <p>9 Q. I just didn't want to interrupt you.</p> <p>10 We'll proceed.</p> <p>11 A. Yes, sir.</p> <p>12 (Defendants' Exhibit 12 was</p> <p>13 marked for identification.)</p> <p>14 Q. I'll show you Exhibit 12 and ask if</p> <p>15 you've seen that document before?</p> <p>16 A. I remember seeing and comprehending a</p> <p>17 document similar to this, but that</p> <p>18 document would have had someone's</p> <p>19 initials on it. It's not signed by</p> <p>20 Tony Chandler. I'd like to see the</p> <p>21 original.</p> <p>22 Q. What did you do with the one that you</p> <p>23 received?</p>	<p>1 matter. I remember telling him that.</p> <p>2 Q. Did you ask him to send you a letter</p> <p>3 stating that you had never officially</p> <p>4 signed or filed a complaint in his</p> <p>5 office?</p> <p>6 A. I don't recall asking him to do that</p> <p>7 and I have not taken his deposition.</p> <p>8 Q. Mr. Chandler wrote that he has a</p> <p>9 complaint in this office that was</p> <p>10 initially filed by your wife. Do you</p> <p>11 know anything about that complaint?</p> <p>12 A. No, sir.</p> <p>13 Q. Do you remember Mr. Chandler informing</p> <p>14 you about a complaint filed by your</p> <p>15 wife?</p> <p>16 A. No, sir.</p> <p>17 Q. Did the letter that you receive have</p> <p>18 this sentence in it?</p> <p>19 A. Are you referring to Document 12?</p> <p>20 Q. I am.</p> <p>21 A. I think this is an altered -- altered</p> <p>22 document and probably fraudulent as it</p> <p>23 is presented to me. I do not remember</p>
Page 110	Page 112
<p>1 A. That looked similar to the one that is</p> <p>2 here?</p> <p>3 Q. Correct.</p> <p>4 A. I do not know at this time.</p> <p>5 Q. Do you still have it?</p> <p>6 A. I do not know if I have it at this</p> <p>7 time.</p> <p>8 Q. But did you get something that says</p> <p>9 basically the same thing that</p> <p>10 Exhibit 12 says?</p> <p>11 A. I received something of this nature.</p> <p>12 Q. Did you get something that says --</p> <p>13 actually, let me ask a different</p> <p>14 question.</p> <p>15 Did you ever ask Tony Chandler to</p> <p>16 send you a letter stating that you</p> <p>17 have never officially signed or filed</p> <p>18 a complaint in his office?</p> <p>19 A. I remember telling Tony Chandler by</p> <p>20 phone that he was engaging in racism</p> <p>21 and that race played a role in it.</p> <p>22 And I also asked him to remove himself</p> <p>23 as a state employee dealing with this</p>	<p>1 anything of this nature.</p> <p>2 Q. Have you ever spoken to Valissa Darden</p> <p>3 Pogue about any conversation or</p> <p>4 communication she had with the</p> <p>5 forestry commission?</p> <p>6 A. No, sir.</p> <p>7 Q. Has she ever told you that she sent a</p> <p>8 letter to the forestry commission?</p> <p>9 A. No, sir.</p> <p>10 Q. Does -- Valissa Darden Pogue, is she</p> <p>11 aware of this lawsuit?</p> <p>12 A. I wouldn't know. You'd have to ask</p> <p>13 her that.</p> <p>14 Q. Have you discussed it with her?</p> <p>15 A. No, I have not talked -- spoken with</p> <p>16 her about the lawsuit for which I</p> <p>17 filed.</p> <p>18 Q. Have you ever spoken to her about</p> <p>19 Surveyors' Park?</p> <p>20 A. Yes.</p> <p>21 Q. Have you ever spoken to her about</p> <p>22 allegedly stolen timber from the</p> <p>23 property of Surveyors' Park?</p>

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<p>1 A. No, I have not.</p> <p>2 Q. What did you discuss with her about</p> <p>3 Surveyors' Park?</p> <p>4 A. I said I have not spoken with her</p> <p>5 about Surveyors' Park.</p> <p>6 Q. I misunderstood.</p> <p>7 (Defendants' Exhibit 13 was</p> <p>8 marked for identification.)</p> <p>9 Q. Can you identify the document marked</p> <p>10 as Defendants' Exhibit 13, Mr. Pogue?</p> <p>11 A. Document 13 is a document that appears</p> <p>12 to be a document that I would know</p> <p>13 something about.</p> <p>14 Q. What do you know about this document?</p> <p>15 A. It seems to be a document that was</p> <p>16 written to Mr. Chandler and a copy to</p> <p>17 the department of environmental</p> <p>18 management.</p> <p>19 Q. Forestry assets are missing from my</p> <p>20 property located in Perry County --</p> <p>21 I'm reading from the first line. What</p> <p>22 property is this speaking of?</p> <p>23 A. This is a different matter that is not</p>	<p>1 A. I said I would have to take his</p> <p>2 deposition.</p> <p>3 Q. You don't have to take his deposition</p> <p>4 to tell me what you've received. Did</p> <p>5 you receive it or did you not?</p> <p>6 A. I don't recall receiving anything from</p> <p>7 Mr. Tony Chandler.</p> <p>8 MS. BRELAND: Excuse me,</p> <p>9 Mr. Pogue. What report were you</p> <p>10 asking for if you said this has</p> <p>11 nothing to do with the lawsuit, your</p> <p>12 request for a report?</p> <p>13 MR. POGUE: Attorney, you need</p> <p>14 to read the entire letter, and then I</p> <p>15 guess you would answer your own</p> <p>16 question. But --</p> <p>17 MS. BRELAND: Well, you</p> <p>18 said --</p> <p>19 MR. POGUE: -- writing him a</p> <p>20 letter -- writing him a letter for</p> <p>21 matters that are different from this</p> <p>22 particular matter would be what we</p> <p>23 need to get straightened out here.</p>
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<p>1 involving the case that we're in court</p> <p>2 about.</p> <p>3 Q. So Exhibit 13 has nothing to do with</p> <p>4 the allegations of this lawsuit; is</p> <p>5 that correct?</p> <p>6 A. Right.</p> <p>7 Q. What property, then, is it speaking</p> <p>8 of?</p> <p>9 A. I think this letter was written to</p> <p>10 Tony Chandler because I was very much</p> <p>11 concerned about the way he was</p> <p>12 handling the investigation. And I had</p> <p>13 spoken where several forestry</p> <p>14 commission employees, and they</p> <p>15 instructed me to write him a letter to</p> <p>16 get the investigative report that he</p> <p>17 would have, which I had not received.</p> <p>18 Q. It's your contention that you've never</p> <p>19 received a copy of this investigation?</p> <p>20 A. He stated -- he stated that himself.</p> <p>21 But I will have to take his deposition</p> <p>22 to see if he sent me that.</p> <p>23 Q. Did you receive it?</p>	<p>1 MS. BRELAND: Okay. Well,</p> <p>2 what --</p> <p>3 MR. POGUE: What I'm saying to</p> <p>4 you, ma'am, is that if a copy went to</p> <p>5 the Alabama Department of</p> <p>6 Environmental Management, then we're</p> <p>7 dealing with an issue that is a</p> <p>8 different issue under the best</p> <p>9 management practice law. You need to</p> <p>10 understand that.</p> <p>11 MS. BRELAND: Did you request</p> <p>12 a report from Mr. Chandler about what</p> <p>13 this lawsuit is about?</p> <p>14 MR. POGUE: I requested from</p> <p>15 Mr. Chandler, according to this</p> <p>16 particular letter -- and I would</p> <p>17 object to all exhibits, because I</p> <p>18 believe they are somewhat altered or</p> <p>19 fraudulent. But if it says the</p> <p>20 Alabama Department of Environmental</p> <p>21 Management, and if I had something to</p> <p>22 do with the letter, this was dealing</p> <p>23 specifically with the BMP and the laws</p>

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<p>1 pertaining to BMP.</p> <p>2 MS. BRELAND: What was your</p> <p>3 complaint to Mr. Chandler about this</p> <p>4 lawsuit?</p> <p>5 MR. POGUE: What are you</p> <p>6 speaking of? You need to rephrase</p> <p>7 your question.</p> <p>8 MS. BRELAND: Okay. Did you</p> <p>9 ask --</p> <p>10 MR. POGUE: Are we leaving</p> <p>11 Exhibit 13?</p> <p>12 MS. BRELAND: Yes, since you</p> <p>13 said it doesn't have to do with this</p> <p>14 lawsuit.</p> <p>15 MR. POGUE: It has something</p> <p>16 to do with BMP.</p> <p>17 MS. BRELAND: Okay. But it</p> <p>18 doesn't have to do with this lawsuit?</p> <p>19 MR. POGUE: Best management</p> <p>20 practice.</p> <p>21 MS. BRELAND: Does it have to</p> <p>22 do --</p> <p>23 MR. POGUE: That would</p>	<p>1 It would have been pertaining to his</p> <p>2 investigation, period.</p> <p>3 MS. BRELAND: Okay. His</p> <p>4 investigation of what? What did --</p> <p>5 MR. POGUE: Follow the --</p> <p>6 MS. BRELAND: -- you ask him</p> <p>7 to investigate?</p> <p>8 MR. POGUE: Following the</p> <p>9 laws, the forestry-related laws as it</p> <p>10 deals with the enforcement of the</p> <p>11 Alabama laws.</p> <p>12 MS. BRELAND: Okay. But as --</p> <p>13 MR. POGUE: So that's</p> <p>14 inclusive.</p> <p>15 MS. BRELAND: Okay. What did</p> <p>16 you ask him to investigate, though?</p> <p>17 MR. POGUE: The forestry</p> <p>18 commission did that. I did not do</p> <p>19 that.</p> <p>20 MS. BRELAND: Okay. Well,</p> <p>21 what did you --</p> <p>22 MR. POGUE: I took my problem</p> <p>23 to the forestry commission.</p>
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<p>1 probably be another matter.</p> <p>2 MS. BRELAND: Okay. Well, did</p> <p>3 you request a report from Mr. Chandler</p> <p>4 about anything having to do with this</p> <p>5 lawsuit?</p> <p>6 MR. POGUE: I would say the</p> <p>7 answer to that question, ma'am, when I</p> <p>8 made the request with Mr. Chandler,</p> <p>9 this lawsuit had not been filed. So</p> <p>10 it wouldn't have been pertaining to</p> <p>11 the lawsuit. It would have been</p> <p>12 pertaining to what the State of</p> <p>13 Alabama says that I'm entitled to as a</p> <p>14 complainant.</p> <p>15 MS. BRELAND: Okay. Well --</p> <p>16 MR. POGUE: In other -- in</p> <p>17 other words, making it clear, I'm</p> <p>18 saying to you that you're putting the</p> <p>19 cart before the horse. I was asking</p> <p>20 Mr. Chandler for an investigative</p> <p>21 report pertaining to all matters.</p> <p>22 And, therefore, it would not have been</p> <p>23 pertaining to this particular lawsuit.</p>	<p>1 MS. BRELAND: Okay. What did</p> <p>2 you ask the forestry commission to</p> <p>3 investigate?</p> <p>4 MR. POGUE: To investigate any</p> <p>5 and all matters pertaining to forestry</p> <p>6 assets, manufactured and</p> <p>7 unmanufactured forestry products.</p> <p>8 MS. BRELAND: Belonging to</p> <p>9 anybody?</p> <p>10 MR. POGUE: That's right.</p> <p>11 MS. BRELAND: Okay. And that</p> <p>12 is what you are saying he</p> <p>13 discriminated against you by not</p> <p>14 conducting that investigation</p> <p>15 properly?</p> <p>16 MR. POGUE: I didn't say that.</p> <p>17 I said that -- and my lawsuit speaks</p> <p>18 for itself. And if you don't</p> <p>19 understand it, file a Rule 12(b)</p> <p>20 Motion. But going beyond that, I'm</p> <p>21 saying to you that I wasn't the</p> <p>22 investigator nor was I the initiator.</p> <p>23 The initiation point for the</p>

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<p>1 investigation, which invokes the state</p> <p>2 authority, comes by way of the</p> <p>3 forestry commission and not me.</p> <p>4 This -- this is what I'm saying about</p> <p>5 these lines of questioning. You all</p> <p>6 are seeming to think that I'm the</p> <p>7 forestry commission. I'm not. I'm</p> <p>8 not the investigator. What I did was</p> <p>9 brought the problems to the forestry</p> <p>10 commission and the forestry commission</p> <p>11 then had access and authority to do</p> <p>12 its investigation, hopefully pursuant</p> <p>13 to State of Alabama laws. And these</p> <p>14 particular parties and all that were</p> <p>15 involved were white and I'm black and</p> <p>16 I do know that I was discriminated</p> <p>17 against under the laws of the State of</p> <p>18 Alabama and federal laws and civil</p> <p>19 rights laws that are designed to</p> <p>20 protect me.</p> <p>21 MS. BRELAND: And you told all</p> <p>22 the ways that you were discriminated</p> <p>23 against? You told those to</p>	<p>1 identify for me the document marked as</p> <p>2 Exhibit 14?</p> <p>3 A. I cannot identify this document.</p> <p>4 Q. Did you ever receive a copy of that</p> <p>5 document?</p> <p>6 A. No, sir.</p> <p>7 (Defendants' Exhibit 15 was</p> <p>8 marked for identification.)</p> <p>9 Q. Exhibit 15 is a copy of a letter</p> <p>10 addressed to Mrs. Valissa D. Pogue</p> <p>11 from Tony Chandler. Have you ever</p> <p>12 seen a copy of this document,</p> <p>13 Mr. Pogue?</p> <p>14 A. No, sir. I know nothing about it.</p> <p>15 Q. Did you ever discuss this with</p> <p>16 Mrs. Pogue?</p> <p>17 A. No, sir. I know nothing about that.</p> <p>18 Q. Going back to Exhibit 1, which is the</p> <p>19 Complaint, Mr. Pogue --</p> <p>20 A. Yes, sir.</p> <p>21 Q. -- if I may refer you to paragraph 22</p> <p>22 on page 6.</p> <p>23 A. Oh, I left that document out in the</p>
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<p>1 Mr. Davis?</p> <p>2 MR. POGUE: Remember, as I</p> <p>3 said, I asked Mr. Conway for all of us</p> <p>4 to get together and so we can do the</p> <p>5 depositions, all, so that we can get</p> <p>6 the matters resolved. But I have not</p> <p>7 had an opportunity to talk to</p> <p>8 Mr. Chandler nor Mr. Clark so that I</p> <p>9 can take their deposition and get the</p> <p>10 information and the accurate reports</p> <p>11 or the authentic reports that they are</p> <p>12 duty-bound to release to me. That has</p> <p>13 not happened.</p> <p>14 MR. DAVIS: Let's take a break</p> <p>15 for a few minutes. Mr. Pogue, is that</p> <p>16 okay with you?</p> <p>17 MR. POGUE: Yes, sir.</p> <p>18 MR. DAVIS: Thank you. Let's</p> <p>19 come back in about five minutes.</p> <p>20 (Short recess.)</p> <p>21 (Defendants' Exhibit 14 was</p> <p>22 marked for identification</p> <p>23 Q. (By Mr. Davis) Mr. Pogue, can you</p>	<p>1 car. We need to take a break and let</p> <p>2 me go back and get it.</p> <p>3 Q. That would be fine, if you wouldn't</p> <p>4 mind. Did you take any of the other</p> <p>5 exhibits out to the car?</p> <p>6 A. No, sir. No, sir.</p> <p>7 Q. Because we have to make sure those</p> <p>8 stay with the court reporter.</p> <p>9 A. Yes, sir.</p> <p>10 Q. If you can get that.</p> <p>11 A. I can get that.</p> <p>12 (Off the record.)</p> <p>13 Q. Page 6, paragraph 22. Are you ready?</p> <p>14 A. Yes.</p> <p>15 Q. Mr. Pogue, paragraph 22 of your</p> <p>16 Complaint says that, Tony Chandler and</p> <p>17 Danny Clark, quote, denied Plaintiff</p> <p>18 an opportunity to file criminal</p> <p>19 complaints, closed quote. How did</p> <p>20 they deny you an opportunity to file a</p> <p>21 criminal complaint?</p> <p>22 A. Well, my role as a citizen would be to</p> <p>23 ask that a criminal complaint be</p>

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<p>1 filed. I asked that a criminal</p> <p>2 complaint be filed pertaining to the</p> <p>3 matters that I allege in this lawsuit,</p> <p>4 and nothing happened.</p> <p>5 Q. What type of criminal complaint did</p> <p>6 you wish to raise?</p> <p>7 A. Well, that which is cited in the</p> <p>8 Alabama related laws manual, all those</p> <p>9 that a law enforcement official and</p> <p>10 employee of the forestry commission</p> <p>11 can conceivably file.</p> <p>12 Q. Do you think somebody broke the law</p> <p>13 with respect to personal property</p> <p>14 owned by you?</p> <p>15 A. I can't make that determination. As I</p> <p>16 said, I'm dealing with law</p> <p>17 enforcement. I'm not the</p> <p>18 investigator.</p> <p>19 Q. Okay. At the bottom of that page it</p> <p>20 says that these people, quote, failed</p> <p>21 to provide plaintiff with the same and</p> <p>22 similar services as was provided to</p> <p>23 white citizens. Are you saying that</p>	<p>1 has received better treatment from the</p> <p>2 forestry commission than you?</p> <p>3 A. I would have to get that information</p> <p>4 from Chandler and Clark.</p> <p>5 Q. As we sit here today, do you know of</p> <p>6 any white people who got better</p> <p>7 treatment than you?</p> <p>8 A. That would be in the forestry</p> <p>9 commission's office. I don't have</p> <p>10 that information.</p> <p>11 Q. Page 12 of your Complaint, Mr. Pogue.</p> <p>12 A. Yes, sir.</p> <p>13 Q. At the top of that page in the</p> <p>14 paragraph marked 5 you say you want</p> <p>15 the Court to compel Tony Chandler and</p> <p>16 Danny Clark to get the FBI involved.</p> <p>17 What is it that you want the FBI to</p> <p>18 do?</p> <p>19 A. Well, pursuant to the federal</p> <p>20 authority that the FBI would have,</p> <p>21 their scope and authority to find out</p> <p>22 what's going on as relates to me and</p> <p>23 my civil rights, my rights as a</p>
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<p>1 white citizens got better treatment</p> <p>2 than you did from Mr. Chandler and</p> <p>3 Mr. Clark?</p> <p>4 A. Around the well -- around the well,</p> <p>5 the conversation led me to believe</p> <p>6 that.</p> <p>7 Q. What was said that led you to believe</p> <p>8 that?</p> <p>9 A. If I had been a white person,</p> <p>10 something would have been done for me.</p> <p>11 Q. Who said that?</p> <p>12 A. The people around the water well.</p> <p>13 Q. Could you tell me the names?</p> <p>14 A. No, sir.</p> <p>15 Q. Is there anything else that leads you</p> <p>16 to believe that Tony Chandler and</p> <p>17 Danny Clark would have given white</p> <p>18 people better treatment than they gave</p> <p>19 to you?</p> <p>20 A. That's what the conversation in the</p> <p>21 community around the water well</p> <p>22 suggested to me.</p> <p>23 Q. Could you name me any white person who</p>	<p>1 citizen to be free from acts that I'm</p> <p>2 alleging in this entire Complaint.</p> <p>3 Q. Mr. Pogue, are you seeking monetary</p> <p>4 damages in this case?</p> <p>5 A. I'm seeking damages in this case.</p> <p>6 Q. What are you seeking?</p> <p>7 A. I'm seeking damages from Tony</p> <p>8 Chandler. I'm seeking damages from</p> <p>9 Danny Clark in their individual</p> <p>10 capacities, not in their physical</p> <p>11 capacities.</p> <p>12 Q. And what amount of damages are you</p> <p>13 seeking?</p> <p>14 A. Pursuant to this Complaint, as stated</p> <p>15 in the Complaint.</p> <p>16 Q. How did you calculate damages?</p> <p>17 A. I think the jury will ultimately deal</p> <p>18 with that matter. Their behavior and</p> <p>19 the way that they did things, I think</p> <p>20 it would be somewhat punitive in their</p> <p>21 individual capacity, not in their</p> <p>22 official capacity. But that will be</p> <p>23 left up to a judge and jury. I just</p>

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<p>1 made the allegations.</p> <p>2 Q. Are you claiming that they injured any</p> <p>3 property that belonged to you?</p> <p>4 A. I think in the Complaint it</p> <p>5 specifically states that my property</p> <p>6 rights as a citizen. I think in the</p> <p>7 Complaint it talks about me and my</p> <p>8 understanding --</p> <p>9 Q. Are you employed, Mr. Pogue?</p> <p>10 A. Yes, I am.</p> <p>11 Q. Where are you employed?</p> <p>12 A. I'm the president of the Alabama</p> <p>13 Constitutional Institute and I'm a</p> <p>14 practicing arbiter.</p> <p>15 Q. You're a practicing --</p> <p>16 A. -- arbiter. I arbitrate cases.</p> <p>17 Q. Where is the Alabama Constitutional</p> <p>18 Institute located?</p> <p>19 A. Montgomery, Alabama.</p> <p>20 Q. What is its address?</p> <p>21 A. 1704 Goode, G-O-O-D-E, Street,</p> <p>22 Montgomery, Alabama.</p> <p>23 Q. How long have you been president of</p>	<p>1 legal courses, but I think it may have</p> <p>2 been a year or so.</p> <p>3 Q. Approximately two semesters?</p> <p>4 A. Are you including the -- rephrase your</p> <p>5 question.</p> <p>6 Q. You were a student at Jones School of</p> <p>7 Law for approximately one year?</p> <p>8 A. If you're excluding the continuing</p> <p>9 legal education classes that I take,</p> <p>10 yes.</p> <p>11 Q. And what were you doing before you</p> <p>12 were a student at Jones School of Law?</p> <p>13 A. I was a student at University of</p> <p>14 Alabama and Miles School of Law.</p> <p>15 Q. Did you receive a degree from the</p> <p>16 University of Alabama?</p> <p>17 A. No, I did not.</p> <p>18 Q. How long did you attend the University</p> <p>19 of Alabama?</p> <p>20 A. I think it was a year.</p> <p>21 Q. And you took classes at Miles;</p> <p>22 correct?</p> <p>23 A. Yes.</p>
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<p>1 the Alabama Constitutional</p> <p>2 Institution?</p> <p>3 A. Since 1989. Excuse me.</p> <p>4 (Phone interruption.)</p> <p>5 Q. Do you need a break, Mr. Pogue?</p> <p>6 A. No.</p> <p>7 Q. Are you employed in any other matter?</p> <p>8 A. As a consultant. I'm open for</p> <p>9 consulting jobs.</p> <p>10 Q. What type of consulting?</p> <p>11 A. Any matters pertaining to research and</p> <p>12 writing.</p> <p>13 Q. Where did you work before 1989?</p> <p>14 A. I was a student.</p> <p>15 Q. Where were you a student?</p> <p>16 A. At Jones School of Law.</p> <p>17 Q. Did you receive a juris doctorate from</p> <p>18 Jones School of Law?</p> <p>19 A. No, I did not.</p> <p>20 Q. How long did you attend Jones School</p> <p>21 of Law?</p> <p>22 A. I don't really recall because I go</p> <p>23 there annually for their continuing</p>	<p>1 Q. Have you been to any colleges other</p> <p>2 than the University of Alabama?</p> <p>3 A. Yes.</p> <p>4 Q. Do you have a college degree?</p> <p>5 A. Yes.</p> <p>6 Q. Where did you get that degree?</p> <p>7 A. Alabama State University at</p> <p>8 Montgomery.</p> <p>9 Q. What is your degree in?</p> <p>10 A. Education.</p> <p>11 Q. When did you get that degree?</p> <p>12 A. I can't remember the year, but many</p> <p>13 years ago.</p> <p>14 Q. Approximately when was it?</p> <p>15 A. Probably '94, '95.</p> <p>16 Q. Have you ever worked as an educator?</p> <p>17 A. Yes.</p> <p>18 Q. Where?</p> <p>19 A. The Alabama Constitutional Institute.</p> <p>20 Q. Where do you live?</p> <p>21 A. Within the State of Alabama.</p> <p>22 Q. What is your residential address?</p> <p>23 A. 301 K-A-H-N Street.</p>

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<p>1 Q. K-A-H --</p> <p>2 A. N.</p> <p>3 Q. -- N Street. Is that where you get</p> <p>4 all your mail?</p> <p>5 A. Probably not.</p> <p>6 Q. Where else do you get mail?</p> <p>7 A. I can't recall at this time. Oh, with</p> <p>8 the exception of Route 6, Box 334.</p> <p>9 Q. The building at 301 K-A-H-N Street</p> <p>10 appears to be abandoned, Mr. Pogue.</p> <p>11 Is that, in fact, where you stay at</p> <p>12 night?</p> <p>13 A. 301 Kahn Street.</p> <p>14 Q. Mr. Pogue, do you not want to tell me</p> <p>15 where you live?</p> <p>16 A. 301 Kahn Street. I gave you -- I</p> <p>17 answered your question.</p> <p>18 Q. Is that --</p> <p>19 A. Now, if we need to go any further, we</p> <p>20 need to take it to the judge as far as</p> <p>21 where I live. I said 301 Kahn Street.</p> <p>22 Q. Are you representing to me and to the</p> <p>23 Court that that is, in fact, where you</p>	<p>1 A. Yes, I have.</p> <p>2 Q. What branch?</p> <p>3 A. The United States Armed Services, the</p> <p>4 United States Army, proud United</p> <p>5 States Army.</p> <p>6 Q. What years were you in the Army?</p> <p>7 A. I think it was '85 to '87.</p> <p>8 Q. What rank were you when you left the</p> <p>9 Army?</p> <p>10 A. E-3.</p> <p>11 Q. And you received an honorable</p> <p>12 discharge?</p> <p>13 A. Yes, service connected at that.</p> <p>14 Q. Have you ever been convicted of a</p> <p>15 crime?</p> <p>16 A. No, I have not.</p> <p>17 Q. What does Mrs. Pogue do for a living?</p> <p>18 A. You would have to ask Mrs. Pogue that</p> <p>19 question, sir.</p> <p>20 Q. Do you know what she does for a</p> <p>21 living?</p> <p>22 A. Yes, I do.</p> <p>23 Q. And what is it?</p>
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<p>1 live, Mr. Pogue?</p> <p>2 A. That's right.</p> <p>3 Q. Is it, in fact, where you live?</p> <p>4 A. That's right.</p> <p>5 Q. Where does Mrs. Pogue live?</p> <p>6 A. Mrs. Pogue lives at P.O. Box 363,</p> <p>7 Mobile, Alabama.</p> <p>8 Q. What is her residential address?</p> <p>9 A. Residential address would be 356 South</p> <p>10 Lawrence Street.</p> <p>11 Q. Mobile?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Do you ever reside at 356 South</p> <p>14 Lawrence Street, Mobile, Alabama?</p> <p>15 A. If I choose to do so.</p> <p>16 Q. Does Mr. Pogue -- does Mrs. Pogue have</p> <p>17 a residential address in Montgomery?</p> <p>18 A. Not as I know of.</p> <p>19 Q. Are you and Mrs. Pogue separated?</p> <p>20 A. I object to that question. No, we're</p> <p>21 not.</p> <p>22 Q. Have you ever been a member of any</p> <p>23 branch of the military, Mr. Pogue?</p>	<p>1 A. Mrs. Pogue is -- she's self-employed.</p> <p>2 Q. In what way?</p> <p>3 A. Self-employed. She owns her own</p> <p>4 business.</p> <p>5 Q. What is the nature of her business?</p> <p>6 A. You would have to ask her specifically</p> <p>7 what the nature of her business is,</p> <p>8 but Mrs. Pogue has a general business.</p> <p>9 Q. Do you know what the nature of her</p> <p>10 business is?</p> <p>11 A. No, sir. I have not really worried</p> <p>12 with that.</p> <p>13 Q. I have to say, I find it unusual that</p> <p>14 you would not know the nature of your</p> <p>15 wife's business, so I wonder if it is</p> <p>16 that you just don't want to tell me.</p> <p>17 A. You can wonder as you please, but I'm</p> <p>18 answering the question.</p> <p>19 Q. Did you file a lawsuit against Roy</p> <p>20 Moore as Chief Justice of the Supreme</p> <p>21 Court?</p> <p>22 A. Yes, I did.</p> <p>23 Q. What was the nature of that lawsuit?</p>

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1 A. I can't recall.
2 Q. You have no idea what the allegations
3 were?
4 A. No, sir. I would have to go back and
5 get a copy of the lawsuit.
6 Q. Did you file a lawsuit against Felix
7 Baker?
8 A. I cannot recall.
9 Q. Do you know Felix Baker?
10 A. Yes, I do.
11 Q. How do you know Felix Baker?
12 A. He's a citizen of the State of
13 Alabama.
14 Q. Did you have a dispute with Mr. Baker?
15 A. Not as I recall.
16 Q. According to records for the court
17 system, there was a lawsuit filed in
18 1993 by Paul Pogue against Felix
19 Baker. Was that you?
20 A. I would have to see the document
21 you're speaking -- referring to, sir,
22 and object to the allegation that you
23 are making without first sharing with

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1 me what you have.
2 Q. I'll be delighted to show you. I just
3 had to look at it to know.
4 A. And allow me to have the document that
5 you have. I don't know what you're
6 referring to.
7 Q. This is a printout from AlaCourt,
8 which keeps records of lawsuits filed.
9 And it would not have a copy of the
10 Complaint, but it does have
11 information about the lawsuit, namely
12 the names of the parties and the case
13 number.
14 A. Okay. I'd like a copy of whatever you
15 refer to.
16 Q. You may have one. But do you know
17 what -- did you, in fact, have a
18 lawsuit against Felix Baker?
19 A. As I said, I don't recall that.
20 Q. Do you recall having any dispute with
21 Felix Baker?
22 A. As I said, I remember -- I remember --
23 assuming these papers are true and

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1 authentic, I think they speak for
2 themselves. But I don't see where it
3 says I have a dispute with Mr. Felix
4 Baker.
5 Q. Did you ever have a lawsuit involving
6 the Bell Building?
7 A. Not as I know of, sir. Bell Building.
8 Q. Are you aware of a lawsuit between one
9 Mamie Darden versus Lawrence Pryor
10 Edwards?
11 A. I have no -- I don't have -- I'm not
12 dealing with -- I'm not involved with
13 that.
14 Q. Do you know about it?
15 A. I don't recall.
16 Q. There is a Valissa Darden who is
17 listed as party. Is that the same as
18 Valissa Darden Pogue?
19 A. Please share with me what you're
20 referring to, sir.
21 Q. Sure.
22 (Witness reviews document.)
23 A. Could you repeat your question?

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1 Q. There's a Valissa Darden who is listed
2 as a party to that lawsuit, and I
3 wondered if that was the same Valissa
4 Darden who we have been referring to
5 as Valissa Darden Pogue?
6 A. I would have to go back and look at
7 that. I can't answer that question at
8 this time.
9 Q. Have you ever heard Mamie Mims Darden
10 or Valissa Darden Pogue speak of a
11 lawsuit that they're involved in?
12 A. They would have to come in and share
13 that information with you.
14 Q. I'm asking you if they have talked to
15 you about a lawsuit that they are
16 involved in?
17 A. Not that I know of that they're
18 involved in.
19 Q. Do you know who Lawrence Pryor Edwards
20 is?
21 A. No, sir.
22 Q. Have you ever heard of Lawrence Pryor
23 Edwards?

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<p>1 A. May have heard of that name.</p> <p>2 Q. Do you know what connection Lawrence</p> <p>3 Pryor Edwards might have with Valissa</p> <p>4 Darden or Mamie Mims Darden?</p> <p>5 A. No, sir. And I cannot represent Mamie</p> <p>6 Darden nor Valissa Darden.</p> <p>7 Q. I'm not asking you to. I just want to</p> <p>8 know if you know anything about that</p> <p>9 litigation.</p> <p>10 A. Do not even recall what you are</p> <p>11 referring to.</p> <p>12 Q. Do you have a fax number?</p> <p>13 A. No, sir.</p> <p>14 Q. Do you receive income from any source</p> <p>15 other than the Alabama Constitutional</p> <p>16 Institute?</p> <p>17 A. As I stated earlier, sir, I am a</p> <p>18 consultant and I am available for</p> <p>19 those people that need help in the</p> <p>20 areas that I'm trained and specialized</p> <p>21 to help.</p> <p>22 Q. Has anybody hired you for consulting</p> <p>23 purposes in the last year?</p>	<p>1 someone I've -- I've taken people to</p> <p>2 the forestry commission and I've</p> <p>3 spoken directly with Mr. Conway</p> <p>4 dealing with issues dealing with</p> <p>5 forestry.</p> <p>6 Q. Are you acting as a consultant in this</p> <p>7 case?</p> <p>8 A. Which case are you referring to, sir?</p> <p>9 Q. The one that you filed against Tony</p> <p>10 Chandler and Danny Clark.</p> <p>11 A. That lawsuit speaks for itself. I'm</p> <p>12 acting as the party, plaintiff. Read</p> <p>13 the Complaint in its entirety.</p> <p>14 Q. Who have you spoken to Mr. Conway</p> <p>15 about?</p> <p>16 A. I've -- I've referred people to this</p> <p>17 forestry commission on many occasions.</p> <p>18 I've done extensive writing</p> <p>19 encouraging people to use the forestry</p> <p>20 commission, whether they be black or</p> <p>21 white or whatever their race and color</p> <p>22 and creed would be. I also -- I think</p> <p>23 there's a gentleman by the name of</p>
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<p>1 A. Yes, they have.</p> <p>2 Q. Who has hired you?</p> <p>3 A. That's confidential information, sir.</p> <p>4 I can't reveal confidential</p> <p>5 information of that nature.</p> <p>6 Q. Why is that --</p> <p>7 A. Over objection. So I would object to</p> <p>8 it.</p> <p>9 Q. Okay. What is the nature of the</p> <p>10 consulting that you've done for these</p> <p>11 people?</p> <p>12 A. Could you rephrase your question?</p> <p>13 Q. What have you done for these people</p> <p>14 who have hired you as a consultant?</p> <p>15 A. People contact me pertaining to agency</p> <p>16 referral. I refer them to the various</p> <p>17 agencies that may affect whatever they</p> <p>18 are concerned about.</p> <p>19 Q. You refer them to state agencies?</p> <p>20 A. Right.</p> <p>21 Q. What type of problems do they come to</p> <p>22 you about?</p> <p>23 A. Various problems. For an example, if</p>	<p>1 Mr. Roth or somebody that was here</p> <p>2 years ago dealing with setting up</p> <p>3 volunteer fire departments throughout</p> <p>4 the state. So I -- this is the not</p> <p>5 the first time that I've been</p> <p>6 acquainted with the forestry</p> <p>7 commission.</p> <p>8 Q. What type of arbitration are you</p> <p>9 doing?</p> <p>10 A. Presently I'm retired. But I deal</p> <p>11 with matters pertaining to contracts,</p> <p>12 so you would need to get a copy of the</p> <p>13 report that says specifically what</p> <p>14 arbitration I deal with.</p> <p>15 Q. All right. Well, tell me about some</p> <p>16 of the arbitrations that you've</p> <p>17 handled.</p> <p>18 A. I deal specifically with cases dealing</p> <p>19 with insurance, cases dealing with</p> <p>20 problems that bring in as it relates</p> <p>21 to lemon laws and cars and things of</p> <p>22 that nature.</p> <p>23 Q. Are you practicing law?</p>

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<p>1 A. Not at this time I am not practicing 2 law. As I've said, I'm the president 3 of a private law institute, Alabama 4 Constitutional Institute, which 5 doesn't allow me to practice law. 6 Q. Are you currently accepting work on 7 behalf of the Alabama Constitutional 8 Institute? 9 A. Right now I'm retired. I'm dealing 10 specifically with my case and cases. 11 Q. Okay. 12 A. So I have no time to do anything but 13 deal with these cases. 14 Q. Do you have an arbitration today? 15 A. I'm going down to evaluate an 16 arbitration issue. 17 Q. Somebody who may be hiring the 18 Constitutional Institute? 19 A. I didn't say that. 20 Q. Well, what are you saying? 21 A. I'm saying that -- over objection, 22 because that is a private matter that 23 has nothing to with this particular</p>	<p>1 Q. Okay. So you are the president of the 2 Alabama Constitutional -- 3 A. I think I -- I think I am at this 4 point. It could change. 5 Q. As of right now, as far as you know, 6 you are the president? 7 A. I believe that I am. 8 Q. And you don't know whether or not the 9 institute has any employees? 10 A. That's right. 11 Q. Do you know of anybody else who works 12 for the Alabama Constitutional 13 Institute? 14 A. Not at this time. 15 Q. Okay. Have you ever practiced law? 16 A. For myself, yes, I have. 17 Q. Pro se? 18 A. That's right. 19 Q. Have you ever had a dispute with Roy 20 Moore? 21 A. Not Mr. Roy Moore, not as I know of. 22 Q. Have you ever had a dispute with the 23 Chief Justice of the Alabama Supreme</p>
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<p>1 case -- I'm going down to supervise a 2 session, training session. 3 Q. Does Alabama Constitutional Institute 4 have any employees? 5 A. Not that I know of. 6 Q. You're the president; right? 7 A. I carry several titles. 8 Q. Well, if there are any employees, you 9 would know, wouldn't you? 10 A. Here again, I cannot represent a 11 corporation. 12 Q. I'm not asking -- 13 A. So, therefore, you have to contact the 14 organization itself for that type 15 information. 16 Q. So you're refusing to answer any 17 further questions about the Alabama 18 Constitutional Institute about whether 19 they have any employees? 20 A. If the stenographer is writing it down 21 right, I have not refused to answer 22 any question. I just said to you that 23 I am employed with the Alabama --</p>	<p>1 Court? 2 A. Not as I know of, sir. 3 Q. Have you ever had a lawsuit against 4 the Chief Justice of the Alabama 5 Supreme Court? 6 A. I think I brought a lawsuit pertaining 7 to my rights as an attorney in the 8 State of Alabama. 9 Q. And what was the nature of that 10 lawsuit? 11 A. I think it was to clarify the laws as 12 it pertains to who's recognized as an 13 attorney in the State of Alabama. 14 Q. You wished to be authorized to 15 practice law? 16 A. Could you rephrase the question? 17 Q. Was it your goal to change the law so 18 that you could practice law as an 19 attorney? 20 A. I don't recall exactly what my goal 21 was at that time, but I do remember, 22 as you were talking about the -- the 23 chief justice, so we would have to get</p>

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<p>1 a copy of that particular --</p> <p>2 Q. Okay.</p> <p>3 A. -- Complaint and see what it was about</p> <p>4 at that time.</p> <p>5 Q. Is the address on Kahn Street the best</p> <p>6 place for us to send you any mail?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Have you sent any written discovery</p> <p>9 request to the defendants in this</p> <p>10 case?</p> <p>11 A. Not as I can recall. I don't think</p> <p>12 the matter was -- as I said, over my</p> <p>13 objection, the honorable magistrate</p> <p>14 judge went on with the scheduling --</p> <p>15 Rule 16 scheduling.</p> <p>16 Q. Are you aware of any black citizens</p> <p>17 who you claim to have been</p> <p>18 discriminated against by the forestry</p> <p>19 commission?</p> <p>20 A. Black citizens?</p> <p>21 Q. Yes.</p> <p>22 A. I have not -- I can't answer that</p> <p>23 question.</p>	<p>1 property in Perry County, Alabama?</p> <p>2 A. I told you early on in answering the</p> <p>3 questions that I'm not that familiar</p> <p>4 with Emanuel Darden other than by --</p> <p>5 see, you would have to give me some</p> <p>6 information other than what you're</p> <p>7 asking me for me to understand it.</p> <p>8 Q. Who is Emanuel Darden?</p> <p>9 A. I don't know.</p> <p>10 Q. Who was he?</p> <p>11 A. I do not know, sir.</p> <p>12 Q. Do you know if he has any relation to</p> <p>13 Mamie Mims Darden?</p> <p>14 A. No, I do not.</p> <p>15 Q. Do you know if the property -- was</p> <p>16 Surveyors' Park owns personal property</p> <p>17 was ever owned by Emanuel Darden?</p> <p>18 A. I have not done a title search to</p> <p>19 verify any information of that nature.</p> <p>20 Q. Do you know if anybody else owned</p> <p>21 timber in or around where Surveyors'</p> <p>22 Park owns timber?</p> <p>23 A. I would not know that, sir.</p>
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<p>1 Q. Okay.</p> <p>2 A. In other words, I'd object to that</p> <p>3 question as much as I'm not the</p> <p>4 forestry commission so I couldn't</p> <p>5 answer that question. I haven't done</p> <p>6 discovery with the forestry</p> <p>7 commission.</p> <p>8 Q. As we sit here today, does Paul Pogue</p> <p>9 know of any African-American Alabama</p> <p>10 citizens who have been discriminated</p> <p>11 against by Tony Chandler or Danny</p> <p>12 Clark?</p> <p>13 A. Only myself, Paul Pogue.</p> <p>14 Q. Do you know who owns the property that</p> <p>15 was once owned by Emanuel Darden?</p> <p>16 A. No, sir.</p> <p>17 Q. Is it you?</p> <p>18 A. Your question is so broad. What are</p> <p>19 you -- could you rephrase your</p> <p>20 question, sir?</p> <p>21 Q. Sure. Do you know who owns the</p> <p>22 property, the real property, that was</p> <p>23 once owned by Emanuel Darden, the real</p>	<p>1 Q. Did you receive any money for the</p> <p>2 cutting of timber?</p> <p>3 A. Would you rephrase your question, sir?</p> <p>4 Q. Anybody pay you for cutting timber?</p> <p>5 A. No on paid me for cutting any timber.</p> <p>6 Q. Did anybody pay Valissa Darden Pogue?</p> <p>7 A. I wouldn't know that, sir. I'll</p> <p>8 object to that question. I'm not</p> <p>9 Valissa Darden Pogue. I can't</p> <p>10 represent her.</p> <p>11 Q. Have you ever received any funds from</p> <p>12 a Mr. Todd Slusher --</p> <p>13 A. Paul Pogue?</p> <p>14 Q. -- timber buyer? Yes, Paul Pogue.</p> <p>15 A. Paul Pogue, I have not received any</p> <p>16 funds from a Todd Slusher.</p> <p>17 Q. Has Surveyors' Park?</p> <p>18 A. No, sir.</p> <p>19 Q. Has Valissa Darden Pogue?</p> <p>20 A. I wouldn't know that, sir.</p> <p>21 Q. Do you know of anybody who has</p> <p>22 received funds from Mr. Todd Slusher,</p> <p>23 a timber buyer?</p>

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<p>1 A. No, sir. And you're not clarifying 2 what you mean by "funds." 3 Q. Money, check, legal tender, money. 4 A. Paul Pogue -- Paul Pogue has not 5 received any money from a Todd Slusher 6 that I can recall. 7 Q. What about Cherokee Timber Company? 8 A. I would have to go back and look at my 9 files to see whether or not I received 10 anything from Cherokee company. 11 Q. Mr. Pogue, I have tried every way I 12 can think of to ask you if you or 13 anybody you know has hired somebody to 14 cut timber in Perry County, Alabama, 15 and you have not answered that 16 question and I can't tell why. And I 17 think it's because you think that I've 18 somehow technically asked the 19 incorrect question. I want to ask you 20 again. Have you or anybody in your 21 family or anybody that you know hired 22 Cherokee -- Cherokee Timber Company or 23 Todd Slusher to cut timber in Perry</p>	<p>1 A. Paul Pogue has not authorized anybody 2 to cut timber that would have anything 3 to do with the Alabama Forestry 4 Commission. 5 Q. Did anybody cut timber belonging to 6 Paul Pogue when they were not supposed 7 to? 8 A. I've got to get that answer from Tony 9 Chandler and Danny Clark. 10 Q. As we sit here today, do you claim 11 that somebody came in and cut timber 12 belonging to you when they had no 13 permission to do so? 14 A. I asked for an investigation and that 15 investigation has not produced 16 information for which I could rely on, 17 sir. 18 Q. Do you believe that you had timber, 19 that you owned timber, that somebody 20 else came in and cut when they were 21 not supposed to? 22 A. I can't answer that question. I would 23 object to it because it's asking me to</p>
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<p>1 County? 2 A. Cherokee Timber Company, Todd Slusher, 3 no -- for myself, no. 4 Q. Anybody else? 5 A. I can't answer for anybody else, sir. 6 Q. Okay. So as far as you know, nobody 7 that you know or in your family has 8 hired anybody to cut timber in Perry 9 County; is that correct? 10 A. My answer is, I cannot answer that 11 question. 12 Q. What's wrong? 13 A. It has to be rephrased. 14 Q. What's wrong with it? 15 A. I cannot represent anyone but myself, 16 Paul Pogue. If the question is 17 directed to Paul Pogue, Paul Pogue can 18 answer. 19 Q. Has Paul Pogue hired anybody to cut 20 timber? 21 A. Paul Pogue has not hired anybody to 22 cut timber. 23 Q. Have you authorized anybody to do so?</p>	<p>1 describe or answer something that is 2 broad and I cannot answer that 3 question intelligently. 4 Q. As of 2005, did Paul Pogue own any 5 timber in Perry County, Alabama? 6 A. I believe I owned forestry products 7 unmanufactured and manufactured. 8 Q. Did anybody come in and take those 9 forestry products? 10 A. That is left to the investigators. I 11 turned it over to the investigators, 12 sir. 13 Q. So you don't know one way or the 14 other? 15 A. That's right. I turned it over to the 16 investigators and they have not 17 responded in a way that -- I would 18 need to take their deposition or do 19 interrogatories to get that answer. 20 Q. If the investigators conclude that no 21 one cut timber belonging to you 22 without permission, do you have any 23 evidence to dispute that?</p>

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<p>1 A. That's speculative and I cannot answer</p> <p>2 that and I'll object to that question.</p> <p>3 Q. Do you have any evidence to suggest</p> <p>4 that somebody cut timber belonging to</p> <p>5 you?</p> <p>6 A. That would be left -- I left it in</p> <p>7 the hands of Tony Chandler and Danny</p> <p>8 Clark --</p> <p>9 Q. So --</p> <p>10 A. -- with the Alabama Forestry</p> <p>11 Commission.</p> <p>12 Q. So whatever Tony Chandler and Danny</p> <p>13 Clark conclude, you don't have any</p> <p>14 evidence to refute that; correct?</p> <p>15 A. That's speculative and it's premature</p> <p>16 for me to -- to elaborate on that, so</p> <p>17 I would object to that question. But</p> <p>18 I would go on and say that I would</p> <p>19 have to evaluate their findings before</p> <p>20 I would go any further.</p> <p>21 Q. Did you give anybody permission to cut</p> <p>22 timber belonging to you?</p> <p>23 A. Not ast I can recall at this time,</p>	<p>1 in federal court that says somebody</p> <p>2 cut timber belonging to you.</p> <p>3 A. Right.</p> <p>4 Q. Did they -- did they or did they not?</p> <p>5 A. This is what I'm trying to tell you.</p> <p>6 You're trying to -- you can't -- you</p> <p>7 can't compare and match up apples with</p> <p>8 oranges; they're two different beings.</p> <p>9 So I'm trying to make it clear here so</p> <p>10 that the Federal District Court and</p> <p>11 the Middle District of Alabama and the</p> <p>12 U.S. Eleventh Circuit and on to the</p> <p>13 Supreme Court would understand clearly</p> <p>14 that this particular lawsuit, as it is</p> <p>15 in its status and standing today, is</p> <p>16 dealing with Danny Clark and Tony</p> <p>17 Chandler, and I'm not accusing them of</p> <p>18 cutting any timber.</p> <p>19 Q. And I never have said that that was</p> <p>20 what you were accusing them of. But</p> <p>21 still, you allege in here that timber</p> <p>22 was cut belonging to you and that you</p> <p>23 wanted them to investigate it. That</p>
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<p>1 Paul Pogue.</p> <p>2 Q. Did anybody -- did anybody give</p> <p>3 permission for somebody to cut timber</p> <p>4 belonging to Paul Pogue?</p> <p>5 A. I do not know the answer to that</p> <p>6 question.</p> <p>7 Q. Did somebody cut timber belonging to</p> <p>8 you?</p> <p>9 A. That -- the answer to that question,</p> <p>10 sir, is in the hands of the</p> <p>11 investigators at the Alabama Forestry</p> <p>12 Commission.</p> <p>13 Q. Mr. Pogue, you can go out to property</p> <p>14 and you can tell if a tree is gone or</p> <p>15 not. You don't need an investigator.</p> <p>16 Do you have property where you go out</p> <p>17 and there used to be trees at one time</p> <p>18 but now there aren't trees anymore?</p> <p>19 A. I will go out there and -- now that</p> <p>20 you've explained that to me, I will go</p> <p>21 out there to check, sir.</p> <p>22 Q. Did you check before you filed this</p> <p>23 lawsuit? Because you filed a lawsuit</p>	<p>1 is part of your allegations. And I'm</p> <p>2 trying to figure out -- and I've asked</p> <p>3 every way I know how to ask -- what</p> <p>4 evidence you have and where that</p> <p>5 property is and who owns it and you've</p> <p>6 never been able to tell me. I will</p> <p>7 try one more time.</p> <p>8 A. Yes, sir.</p> <p>9 Q. Has anybody cut timber belonging to</p> <p>10 Paul Pogue?</p> <p>11 A. That report has not come out from the</p> <p>12 Alabama Forestry Commission, which I</p> <p>13 brought to the attention of the</p> <p>14 forestry commission.</p> <p>15 Q. Do you have any information on that</p> <p>16 one way or the other?</p> <p>17 A. I will be taking the deposition of</p> <p>18 Tony Chandler and Danny Clark.</p> <p>19 Q. Now, I'm asking you what you know</p> <p>20 right now. Right now, as we sit here</p> <p>21 today, do you claim that somebody else</p> <p>22 came in and cut timber belonging to</p> <p>23 Paul Pogue? Is that what you claim or</p>

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1 not?

2 A. I'm incorporating my Complaint,

3 which you recognize as Defendants'

4 Exhibit 1.

5 Q. Do you believe that to be the case?

6 A. Yes, sir. I feel my Complaint has

7 merit and will -- and through the

8 process will prove itself out.

9 Q. Why do you believe that to be the

10 case?

11 A. Well, we have not done discovery with

12 the forestry commission at this point,

13 so you're trying to rush me to

14 judgment. I have paid for the

15 lawsuit. It is well on its way. The

16 magistrate just issued a Rule 16

17 scheduling order over my objection, so

18 therefore we'll -- the process has

19 begun.

20 Q. As we sit here today, at this moment

21 in time, do you have one shred of

22 evidence that any person came in and

23 cut timber belonging to you without

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1 permission?

2 A. Well, you didn't ask me to bring

3 anything with me here today. But I

4 would assume that if I could go out to

5 the property and do what you said I

6 can do, then I'll be able to produce

7 you with evidence.

8 Q. Do we have -- do you have any evidence

9 as we sit here today that anybody cut

10 timber without your permission?

11 A. Yes.

12 Q. What is that evidence?

13 A. That is with Mr. Danny Clark and Tony

14 Chandler.

15 Q. What evidence is it?

16 A. They said that this has happened. So

17 you need to talk to Danny Clark and

18 Tony Chandler.

19 Q. Okay.

20 A. They're the investigators.

21 Q. Do you have any evidence that they

22 have discriminated against you in any

23 way?

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1 A. As I've said earlier and I'm saying

2 again, that Danny Clark and Tony

3 Chandler should have followed the

4 Alabama laws pertaining to the rules

5 of the forestry laws, and I do not

6 feel that they have done that. But,

7 again, I need to take their

8 deposition.

9 Q. Okay. So until you take their

10 deposition, you have no evidence that

11 they discriminated against you?

12 A. Other than what they said.

13 Q. What did they say?

14 A. Tony Chandler and Danny Clark violated

15 my rights based on what I have alleged

16 in my Complaint, and they have said

17 that someone has taken my timber, as

18 you say.

19 Q. Okay.

20 A. And they have explained to me that

21 that has happened.

22 Q. Okay.

23 A. But they have led me in a direction

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1 that is not consistent with what the

2 State of Alabama laws require them to

3 do.

4 Q. What do you mean by that?

5 A. Follow the Alabama laws pertaining to

6 the forestry.

7 Q. What do you claim they should have

8 done differently?

9 A. Treated me equally as they have

10 treated other whites that have had the

11 same and similar problem.

12 Q. But as we sit here today, you can't

13 tell me any white person who's gotten

14 better treatment than you have;

15 correct?

16 A. That information is hidden within the

17 Alabama Forestry Commission, but it is

18 in the public domain.

19 Q. As we sit here today, you can't tell

20 me any black person other than

21 yourself that you claim that Tony

22 Chandler and Danny Clark have

23 discriminated against; correct?

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1 A. In their individual capacity and
2 official capacity as agents of the
3 Alabama Forestry Commission.
4 Q. And you don't have any evidence other
5 than your assumptions that they have
6 behaved the way they have on the basis
7 of your race; is that correct?
8 A. I'm saying to you again and again that
9 I'm standing by my lawsuit Complaint
10 and I'm going further by saying that
11 in the public domain it has been made
12 clear to me that I have been
13 discriminated against.
14 Q. What is it in the public domain
15 that --
16 A. That because of my race, Tony Chandler
17 and Danny Clark being white and all
18 the people involved being white, have
19 violated my rights --
20 Q. And you say --
21 A. -- by failing to follow the laws of
22 the State of Alabama.
23 Q. And why is it that you think that they

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1 failed to follow the laws of the State
2 of Alabama because --
3 A. Based on race.
4 Q. -- of your race?
5 A. Based on race.
6 Q. Why do you think that?
7 A. Because there would be a pattern
8 there, pattern and practice there. We
9 just need to find it. We need to do
10 their deposition.
11 Q. Okay. So you don't know that it's
12 there; you're just assuming that it's
13 there?
14 A. Well, it's in the public domain, as I
15 have been told, and I will look to see
16 whether or not this is accurate
17 information. You don't try your case
18 in your pleadings, sir.
19 Q. Let's take a minute. We'll make some
20 copies for you. Let me collect my
21 thoughts together. We may be
22 finished, but I may have another
23 question. Okay?

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1 A. Yes, sir. And I would hope that
2 you're not conspiring with
3 International Paper to ask questions
4 that are not relevant as it relates to
5 this particular lawsuit which is
6 involving Tony Chandler and Danny
7 Clark as it stands presently. I'm
8 hoping that it's not a fraudulent
9 matter.
10 Q. If you're accusing me of a fraudulent
11 matter, I would take that allegation
12 very seriously and I would not
13 appreciate it. But I will represent
14 to you I am here, as I have indicated,
15 on behalf of Tony Chandler and Danny
16 Clark. And I'll have nothing else to
17 say to respond to your allegations
18 about me personally.
19 A. Well, I only wanted to say that I'm
20 not referring to you personally. And
21 I also want to go forward and say that
22 these questions seem to be those that
23 are totally irrelevant and biased to

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1 the process, if you were look in a
2 cause of action legal form book. It
3 doesn't seem that these questions are
4 dealing with Tony Chandler and Danny
5 Clark. It seems to be dealing more
6 with helping or aiding International
7 Paper in matters that are not relevant
8 in this particular case.
9 Q. Thank you. We'll be back in just a
10 few minutes.
11 (Short recess.)
12 Q. Mr. Pogue, we have no further
13 questions today. Thank you for
14 coming.
15 A. I would like to close out by saying I
16 object to all of the exhibits filed
17 and hope that they can be
18 authenticated. And also would like to
19 object to the proceeding that has
20 taken place here. And I am of the
21 mindset that this is nothing more than
22 an exercise to assist and help
23 International Paper and it is designed

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<p>1 to continue in the ways of the</p> <p>2 de facto counseling that has taken</p> <p>3 place in the middle district by the</p> <p>4 Honorable Magistrate Susan Russ</p> <p>5 Walker. I have nothing further to</p> <p>6 say.</p> <p>7 MR. CONWAY: Are you alleging</p> <p>8 that Judge Walker is acting</p> <p>9 improperly?</p> <p>10 MR. POGUE: I said what I had</p> <p>11 to say, sir. That's not my statement.</p> <p>12 But I will go on to say to you that I</p> <p>13 believe the honorable magistrate judge</p> <p>14 is acting in a way that is not fair to</p> <p>15 me, and she has allowed a scheduling</p> <p>16 order to be issued while parties (sic)</p> <p>17 are still pending in the appellate</p> <p>18 stage before the Honorable District</p> <p>19 Judge Myron Thompson. And I feel that</p> <p>20 is a total disrespect to me, total</p> <p>21 disrespect to the federal rules, total</p> <p>22 disrespect to the judiciary, and that</p> <p>23 she's biased and has done all that she</p>	<p>1 * * * * *</p> <p>2 REPORTER'S CERTIFICATE</p> <p>3 * * * * *</p> <p>4 STATE OF ALABAMA</p> <p>5 COUNTY OF MONTGOMERY</p> <p>6 I hereby certify that the</p> <p>7 above and foregoing proceeding was</p> <p>8 taken down by me by stenographic</p> <p>9 means, and that the content herein was</p> <p>10 produced in transcript form by</p> <p>11 computer aid under my supervision, and</p> <p>12 that the foregoing represents, to the</p> <p>13 best of my ability, a true and correct</p> <p>14 transcript of the proceedings</p> <p>15 occurring on said date at said time.</p> <p>16 I further certify that I am</p> <p>17 neither of counsel nor of kin to the</p> <p>18 parties to the action; nor am I in</p> <p>19 anywise interested in the result of</p> <p>20 said case.</p> <p>21</p> <p>22</p> <p>23 Bridgette Mitchell Reporter and Notary Public</p>
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<p>1 can do to not only delay the justice</p> <p>2 but deny me the rights as a common</p> <p>3 citizen that has paid for a lawsuit.</p> <p>4 And for that reason, this is the way</p> <p>5 that I feel.</p> <p>6 MR. DAVIS: Do you have</p> <p>7 anything further to add?</p> <p>8 MR. POGUE: Yes. I would also</p> <p>9 like to add for the record that I</p> <p>10 brought my problems to the forestry</p> <p>11 commission and I expect the forestry</p> <p>12 commission to follow the law,</p> <p>13 irrespective of race, color, creed or</p> <p>14 national origin. I have nothing</p> <p>15 further to say.</p> <p>16 MR. DAVIS: Then we're off the</p> <p>17 record.</p> <p>18</p> <p>19</p> <p>20 (The deposition of Paul Pogue</p> <p>21 concluded at 12:35 p.m. on August 2,</p> <p>22 2006.)</p> <p>23</p>	

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IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PAUL POGUE and
PAUL POGUE, in his capacity
as owner of SURVEYORS' PARK

Plaintiff,

Vs.

TONY CHANDLER, in his
individual and official
capacity, SANDY G.
ROBINSON, a for-profit
Representative of INTERNATIONAL
PAPER COMPANY, DANNY CLARK, in
his individual and official
capacity, and A, B, & C who
are those people, partnerships,
associates, corporations or
agents who participated in the
actions made the basis of this
Complaint and who are
presently unknown to the
Plaintiff, but who will be
added as Defendants when
ascertained.

Defendants.

Civil Action No.

Jury Demand

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

2:06cv148-MHT

COMPLAINT

I. Introduction and Jurisdictional Statement

1. This is a civil action seeking compensatory and punitive damages, along with injunctive relief, for the deprivation of Plaintiff's federal civil rights under color of state law. More specifically, Plaintiff claims that through custom, policy and/or practice, the individual defendants, employees of the Alabama Forestry Commission,

denied Plaintiff an opportunity to file criminal complaints against a person because he was a member of the white race and the owner of Ingram's Company. Plaintiff is a member of the black race and the owner of Surveyors' Park. By the acts of Tony Chandler and Danny Clark, Plaintiff was deprived of his rights under 42 U.S.C. 1983 and also denied equal protection and due process of law as guaranteed and protected under the Fourteenth Amendment to the United States Constitution and Plaintiff's rights under 42 U.S.C. 1985.

2. The jurisdiction of this honorable Court is invoked under 28 U.S.C. 1343 et seq., this being an action under the laws of the United States of America as above described. This suit is filed within of year of the cause of action.

2. PARTIES

3. Plaintiff, Paul Pogue, is over the age of twenty Years and he is a resident of Alabama.

3(a). Plaintiff in his capacity as Surveyors' Park, in such capacity, Plaintiff is the owner of a development known to be a Park and located within the State of Alabama.

4. Defendant, Tony Chandler is an employee of the

Alabama Forestry Commission, and is here by sued in both his individual and official capacities; his address is 2584 Ridge Road, Brewton, Alabama 36426.

5. Defendant, Danny Clark is an employee of the Alabama Forestry Commission, and is here by sued in both his individual and official capacities; his address is 1349 County Road 61, Clanton, Alabama 35046.

6. Defendant, Sandy G. Robinson, is a for-profit professional representative for International Paper Company; her address is 63 South Royal Street, Suite 700, Mobile, Alabama 36602.

3. FACTS

7. Plaintiff is a member of the black race and the owner, developer and promoter of Surveyors' Park and all individual defendants are members of the white race. Plaintiff's mailing address is 301 Kahn Street, Montgomery, Alabama 36104.

8. Within a year of the filing of this Complaint, Plaintiff's Surveyors' Park was announced to the public at large.

9. Within two years of the filing of this Complaint, Plaintiff's Surveyors' Park sustained and experienced "insurgency" and "terrorist" style ground/soil damage and

obliteration of unmanufactured forest products within the State of Alabama.

10. Within a year of the filing of this Complaint, Plaintiff, voiced his complaint of concern to the Alabama Forestry Commission, located at 513 Madison Avenue, Montgomery, Alabama involving matters set forth at sentence number 9.

11. Defendant, Alabama Forestry Commission's dispatcher contacted an Alabama Forestry Commission employee, who spoke by phone with Plaintiff and assured Plaintiff that other Alabama Forestry Commission employees would visit Plaintiff at the designated place of concern.

12. Within a year of the filing of this Complaint, Plaintiff discovered hidden timber theft equipment and machinery on the ground of Surveyors' Park.

13. A spectator identified the found equipment and machinery as that equipment which most likely severed unmanufactured forestry products from Plaintiff's Surveyors' Park's soil.

14. Jimmy Ingram, is a person believed to be known to International Paper Company and owner of the equipment described in sentence 12 and 13.

Standard
A PMH Doc

14(a). Jimmy Ingram is a person believed to be known to the Alabama Forestry Commission and the owner of the equipment described in sentence 12 and 13.

15. The spectator identified Jimmy Ingram to be the registered owner of the equipment and or machinery referred to in paragraphs 12 and 13.

16. Within a year of the filing of this Complaint, Plaintiff discovered that Surveyors' Park was invaded by a "blue van" occupied by seven white citizens. Oil and other environmental hazardous debris were left on the ground of Surveyors' Park

17. Within a year of the filing of this Complaint, Plaintiff learned that an International Paper Company employee was the first to greet and meet with the Alabama Forestry Commission employees on the grounds of Surveyors' Park.

18. Within a year of the filing of this Complaint, Plaintiff learned that the International Paper Company employee met with the Alabama Forestry Commission employees on the grounds of Surveyors' Park prior to Plaintiff's arrival to Surveyors' Park.

19. Within a year of the filing of this Complaint, Plaintiff met with Alabama Forestry Commission's

employee, Danny Clark and voiced concern about the shape and condition of Surveyors' Park. Plaintiff encouraged Clark to invoke the applicable laws under the circumstances and condition of Surveyors' Park.

20. Plaintiff hand delivered a copy of a news release about Surveyors' Park to Danny Clark. Ingram has not been charged with theft of unmanufactured nor manufactured forest products of private property.

20(a). Clark did not prepare a report in connection with theft of property, nor did he seize Ingram's equipment, including a log truck, a shredder and a loader.

21. Defendant, Danny Clark informed Plaintiff that services would be rendered to address the condition of Surveyors' Park. Clark did not timely release a documented and/or witnessed account of his area of enforcement and the availability of services to be offered under the circumstances pursuant to the agency laws and related forestry laws of Alabama.

22. Defendant, Tony Chandler, and Defendant, Danny Clark, employees of the Alabama Forestry Commission, denied Plaintiff an opportunity to file criminal complaints and together, and or in part, fabricated a forestry investigation, and failed to provide Plaintiff with the same and similar services as was provided to white citizens

that experienced the same and similar treatment involving the equipment of Jimmy Ingram.

23. Chandler and Clark have failed to invoke the criminal procedure law against Jimmy Ingram (a white citizen), because of Plaintiff's race and to this day has failed to provide Alabama Forestry Commission services pursuant to the Alabama Forestry Commission's *Forestry and Related Laws* publication.

24. Clark's and Chandler's job performance amount to intentionally and deliberately malfeasance and misfeasance. Plaintiff, a member of the black race, remains deprived of his rights under 42 U.S.C. 1983; 42 U.S.C. 1985 and the equal protection and due process of law as guaranteed and protected under the Fourteenth Amendment to the United States Constitution and the Alabama Constitution.

25. Prior to the filing of this Complaint, the Alabama Forestry Commission attempted to falsify Macon County, Alabama property as the property of Plaintiff.

26. Tony Chandler and Danny Clark failed to invoke the enforcement provisions of the *Forestry and Related Laws* publication because to do so would be a service to a black citizen and a black citizen's Park development.

27. Chandler and Clark failed to track down and preserve

Surveyors' Park unmanufactured forest products before they escaped to the primary and secondary forest industries.

28. Tony Chandler and Danny Clark failed or refused to arrest the trespassers to Surveyors' Park, those people and/or primary and secondary forest industries who came in contact with Plaintiff's Surveyors' Park un-manufactured and manufactured forest products.

29. Clark and Chandler did not visit nor inspect the primary and secondary forest industries to determine the rightful Macon County, Alabama fiber property owner.

30. Clark and Chandler failed to seize the inventory and financial books of the forest industries of Alabama to locate the unmanufactured and manufactured forest products of Surveyors' Park.

31. Clark and Chandler have manipulated the acts and events to such an extent that their failures to report the truth by design have a negative impact on Plaintiff's ability to report the whereabouts of Surveyors' Park unmanufactured and manufactured forest products.

32. The Alabama Forestry Commission employees Clark and Chandler attempted to mislead Plaintiff to believe and accept a Macon County, Alabama forest product report to be that of Plaintiff's forest products report which would have originated in Perry County, Alabama.

33. Tony Chandler refused or failed to fax to Plaintiff the Alabama Forestry Commission's report, but Chandler and Clark aided or abetted International Paper Company by faxing to International Paper Company their pretext of a cover up report believed to contain Macon County, Alabama data.

34. The Alabama Forestry Commission's report was discovered to be in the custody and control of a white citizen, Sandy G. Robinson and said report and its entirety was used or otherwise fabricated for the use of deflecting Plaintiff's federal efforts to redress a grievance by invoking the tort theory of conversion against International Paper Company.

35. Defendant, Sandy G. Robinson, conspired with the Alabama Forestry Commission employees, Clark and Chandler to falsify the truth as to International Paper Company involvement and contact with Plaintiff's Surveyors' Park's manufactured and unmanufactured forest products.

36. Plaintiff, and Plaintiff in his capacity as Surveyors' Park was humiliated and deprived of his federally protected civil rights.

4. COUNT ONE
Violation of 42 U.S.C. 1981(a) under 42 U.S.C. 1983.

37. Plaintiff re-alleges paragraphs 1 thru 36 above as though specifically set forth herein

38. This lawsuit is a lawsuit filed for damages and other relief resulting from malfeasance perpetrated by the Alabama Forest Commission employees Tony Chandler and Danny Clark and a claim as Plaintiff alleges that International Paper Company did conspire with the state actors and with its private actor Sandy G. Robinson to damage the rights and freedoms of Plaintiff and Plaintiff's right and rights to redress a grievance free from the acts of state employees in concert with a private actor for the benefit of a private company or corporation; namely International Paper Company.

39. A copy of the false Alabama Forestry Commission's report is attached hereto and marked Exhibit "A" in support of the Complaint.

40. A copy of Plaintiff's letter to International Paper Company alerting the Company about theft of property is attached hereto and marked Exhibit "B" in support of the Complaint.

4. COUNT ONE
Violation of 42 U.S.C. 1981(a) under 42 U.S.C. 1983.

41. Plaintiff re-alleges paragraphs 1 thru 40 above as though specifically set forth herein.

42. Plaintiff alleges that the individual employees of the Alabama Forest Commission failed to apply

the Forestry and Related Laws enforcement provisions against Jimmy Ingram, because of Plaintiff's race and because Surveyors' Park is owned by a black citizen. By such acts and omissions, the individual employees of the Alabama Forestry Commission deprived Plaintiff of his right to receive the full and equal benefit of all laws and proceedings for the security of property as is enjoyed by white citizens as guaranteed and protected under 42 U.S.C. 1981(a) and under 42 U.S.C.1983.

WHEREFORE, THESE PREMISES CONSIDERED, Plaintiff prays:

1. That process issue requiring all named defendants to answer this Complaint within the time required by law.
2. That Plaintiff be granted a jury trial wherein he be awarded seventy five thousand dollars (\$75,000.00) compensatory damages and one million dollars (\$1,000,000.00) punitive damages against each defendant, jointly and severally.
3. That the individual Alabama Forestry Commission employees be enjoined from denying Plaintiff his civil rights as above described.
4. That this honorable Court grant Plaintiff such further relief that it deems just and proper.

5. That this honorable Court compel Tony Chandler and Danny Clark to engage the Federal Bureau of Investigation and the Alabama Bureau of Investigation to assist in the discovery and recovery of Plaintiff's unmanufactured and manufactured products.

6. That this honorable Court compel Tony Chandler and Danny Clark to disclose if they received any benefits from International Paper Company or its representative Sandy G. Robinson for their labor in producing their report.

5. COUNT TWO.
Violation of 42 U.S.C. 1985 and the Alabama Constitution

43. Plaintiff re-alleges paragraphs 1 thru 42 above as though specifically set forth herein.

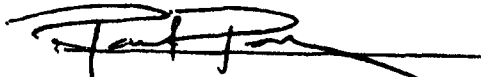
44. Plaintiff alleges that Chandler and Clark did all that they could do to unlawfully help, and assist Sandy G. Robinson to reap profit from her services as a professional for hire, for International Paper Company by releasing a pre-text of a "cover up" report. Clark and Chandler chose to bypass and refuse to follow the *Forestry and Related Laws* publication when they were confronted with the duty to assist Plaintiff, which is black and the owner of a Park. Clark and Chandler had to come together with International Paper Company prior to releasing the forestry

report containing Macon County, Alabama data. Clark and Chandler did nothing to help the cause but did almost all they could do to undermine the truth and not report the truth as to the whereabouts of Plaintiff's Surveyors' Park manufactured and unmanufactured forest products.

WHEREFORE, THESE PREMISES CONSIDERED, Plaintiff seeks the same relief in Count Two above and additionally

1. Plaintiff seeks One Million Dollars against International Company and its representative Sandy G. Robinson.
2. Plaintiff prays that this honorable court compel International Paper Company and its representative, Sandy G. Robinson, disclose the whereabouts of Plaintiff's forestry products and Plaintiff's forestry product in their unmanufactured form and in their manufactured form.
3. That International Paper Company by and through its representative disclose all telephone records and correspondences held with Danny Clark and Tony Chandler.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul Pogue', with a long horizontal flourish extending to the right.

PAUL POGUE and PAUL POGUE

FOR SURVEYORS' PARK
301 Kahn Street
The Mays Building
Montgomery, Alabama 36104
(334) 561-2240

Done this 17th day of February 2006.

A handwritten signature in black ink, appearing to be 'Laf' or similar, written over the date line.

Cherokee Timber

Marnie Darden, Valissa Darden and Paul Pogue (Alabama Civic Specialty Group, Inc.) wish to include the essential items into the timber sale contract:

1. Agreement entered into this 11th day of February, 2005, between Alabama Civic Specialty Group, Incorporated hereinafter called the seller, and Cherokee Timber Company Incorporated hereinafter called the buyer.

2. The Timber Sale Contract shall be governed by the laws of the State of Alabama.

3. Seller is the legal owner of said timber and warrants the title to the timber hereby conveyed against the lawful claims of all third parties.

~~4. A down payment of three thousand dollars shall be made to the seller upon execution of this contract.~~ *delete*
Trees marked with blue paint shall not be cut

5. All timber marked or products included in this contract, until paid in full, shall remain as the property of the seller.

6. This agreement will be in effect from February 11, 2005 to July 12, 2005, after which time the contract is null and void, unless written extension is granted by the seller. If no extension is granted, all rights to remaining timber return to the seller.

7. The seller is free from responsibility for any injury, death or property damage caused by the buyer's logging operation in the sale area during the tenure of this agreement.

8. It is understood by both parties that the buyer is an independent contractor and not an employee of the seller.

9. If requested by seller, buyer agrees to furnish current certificates for worker's compensation and public liability insurance.

10. SELLER MAY SUSPEND OPERATIONS, including removal of cut timber, if conditions of the contract are violated. Violations of conditions of the contract are sufficient grounds for termination.

11. Any modifications or amendments, to this contract must be written, dated, signed, and witnesses.

12. Prior to commencing harvesting operations, the buyer shall post a performance bond with in the amount of three hundred dollars. The bond is returned to the buyer upon satisfactory completion of the sale.

13. This agreement shall be binding on the heirs, administrators, executors, successors or assigns of both parties.

14. In witness whereof, the parties hereto have executed this Agreement this 17th day of February, 2005.

Paul Pogue for Seller(s)

Mr. Todd Shuler for the BUYER

DEFENDANT'S
EXHIBIT

2

Page 3 of 3

27/05/2005 07:30

205-755-3043

Case 2:06-cv-00148-MHT-SRW Document 1-2 Filed 02/17/2006 Page 1 of 1



Fax Transmittal Cover Sheet
Fax # _____

Exhibit "A"

Alabama Forestry Commission (Chilton)
221 County 423
Clanton, AL 35045

Phone: 205-755-3042

Fax: 205-755-3043

name deleted
cls to privacy rights

Send To:

Name: _____

Company: _____

Fax #: _____

Sent From:

Name: _____

Date: _____

Danny Clark

7-6-05

Number of Pages: _____

(including cover page)

Comments:

Please Give this copy of
scale tickets to Paul Pogue.

Thanks

DEFENDANT'S
EXHIBIT

3

Case 2:06-cv-00148-MHT-SRW Document 1-3 Filed 02/17/2006 Page 1 of 1
 KWIK KOPY Fax: 334-2449390

Exhibit "B"

**** Transmit Conf. Report ****

P.1

Jul 7 2005 9:03

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
1334-0230	NORMAL	7. 9:03	0'31"	1	* OK	

name deleted
do to privacy right

Fax - 334-~~0230~~-0230

~~Timber theft~~

Several KNOWN and UNKNOWN Mills.

FAX (334) 624-0230

Timber theft and somebody needs
to reveal what has happen in this matter.

A lot of timber was removed from
our property.

July 7, 05

Copy to MD Felix Baker

P.S I truly hope the International Paper
Company send this matter to the
appropriate criminal justice authority.

DEFENDANT'S
EXHIBIT

4

10-01

0310000		DATE AND TIME OF THIS REPORT 0710105 0830		AGENCY NAME Alabama Forestry Commission		CASE # 140299090		OFF #	
REPORTED BY VICTIM OR		ADDRESS (STREET, CITY, STATE, ZIP) 221 Co. Rd. 423 Clanton, AL 35045				PHONE 205 755-3442			
VICTIM LAST, FIRST, MIDDLE NAME Pogue, Paul		ADDRESS (STREET, CITY, STATE, ZIP)				PHONE			
EMPLOYER/SCHOOL		OCCUPATION				ADDRESS (STREET, CITY, STATE, ZIP)		PHONE	
1. RESIDENT NON-RESIDENT		2. INJURY N		3. RACE W		4. SEX M		5. NOT -	
6. TYPE INCIDENT OR OFFENSE Unauthorized Cutting		7. FEL. MISD.		8. DEGREE (CIRCLE) 1 2 3		9. STATE CODE/LOCAL ORDINANCE 9-13-60		10. TYPE INCIDENT OR OFFENSE FEL. MISD.	
11. PLACE OF OCCURRENCE		12. METHOD OF ENTRY DOOR		13. FORCE FORCIBLE		14. ASSAULT SIMPLE		15. TREATMENT FOR ASSAULT INJURY	
16. OCCURRED ON OR BETWEEN 016 30 015 00		17. TIME 047 05 015 00		18. LIGHTING NATURAL		19. WEATHER CLEAR		20. PREMISE Hwy.-St.-Alley	
21. VERIFY FOR RAPE EXAM		22. TREAT. FOR RAPE INJURY		23. CIRCUMSTANCES HOMECIDE & ASSAULT		24. CODE		25. SERVICE STA.	
26. WEAPON USED PNEUMATIC KNIFE		27. HANDS, FISTS, VOICE, ETC. OTHER DANGEROUS		28. DESCRIPTION OF WEAPONS/WEAPONS/TOOLS USED IN OFFENSE		29. HANDGUN		30. RIFLE	
31. QUANTITY		32. STOLEN, RECOVERED, LOST, FOUND OR DESTROYED (INCLUDE MAKE, MODEL, SIZE, TYPE, SERIAL NUMBER, COLOR, ETC.)		33. DOLLAR VALUE		34. RECOVERED			
		About 3 acres of timber cut on wrong side of road.							
35. MOTOR VEHICLE		36. CURRENCY, NOTES		37. JEWELRY		38. CLOTHING/FURS		39. FIREARMS	
40. ELECTRONICS		41. HOUSEHOLD		42. COMBUSTIBLE GOODS		43. LIVESTOCK		44. MISCELLANEOUS	
45. CHECK CATEGORIES STOLEN RECOVERED SUSPECTS VEH. VICTIMS VEH. UNAUTH. USE ABANDONED									
46. # STOLEN		47. LIC.		48. LBL.		49. LTY.		50. TAG COLOR	
51. VTR		52. VMA		53. VBO		54. VST		55. VOD	
56. STOLEN INTR.		57. AREA STOLEN		58. OWNERSHIP		59. TAG RECEIPT		60. WARRANT ISSUED	
61. AUTO INSURER NAME (COMPANY)		62. ADDRESS (STREET, CITY, STATE, ZIP)		63. PHONE		64. STOLEN IN YOUR JURISDICTION?		65. RECOVERED IN YOUR JURISDICTION?	

TYPE OR PRINT IN BLACK INK

DEFENDANT'S
EXHIBIT

AC-RC-32 REV. 10-00

AC-NC-32 REV. 10-60

7

ACJIC-32 REV. 10-80**VCHES**

1	2	3	4	5	6

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

OFFENSE/CONTINUED		DATE AND TIME OF REPORT		1400		AM 53 04 11 11 09		97 SFX		98 OFFENDER SUSPECT CHECK IF MULTIPLE													
NAME (LAST, FIRST, MIDDLE)				100 NICKNAME/ALIAS				101 RACE				102 SEX				103 DOB				104 AGE			
Todd Slusher, Cherokee Timber Company								W A				M F				0 1 2 9 6 1				44			
ADDRESS (STREET, CITY, STATE, ZIP)				106 HGT				107 WGT				108 EYE				109 HAIR				110 COMPLEXION			
3608 Willow Lane Drive Montgomery, AL 36109				5'11				220				Blu				Bru							
PROBABLE DESTINATION				112 ARMED?				113 WEAPON															
334-224-6903 334-567-0637 CELL				Y N																			
CLOTHING				SCARS				MARKS				TATTOOS				118 ARRESTED				119 WANTED			
NAME (LAST, FIRST, MIDDLE)				117 NICKNAME/ALIAS				118 RACE				119 SEX				120 DOB				121 AGE			
Mark Kynard								W A				M F				1 1 2 2 6 7				37			
ADDRESS (STREET, CITY, STATE, ZIP)				123 HGT				124 WGT				125 EYE				126 HAIR				127 COMPLEXION			
101 Houser Street, Montgomery, AL 36110 334-269-5312 HOME				5'10				129				BRO				BRO							
PROBABLE DESTINATION				128 ARMED?				129 WEAPON															
				Y N																			
CLOTHING				SCARS				MARKS				TATTOOS				132 ARRESTED				133 WANTED			
133 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				134 ADDRESS (STREET, CITY, STATE, ZIP)				135 RES. PHONE				136 BUS. PHONE											
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#2																							
#3																							
#4																							
WITNESS #1 SSN				WITNESS #2 SSN				WITNESS #3 SSN				WITNESS #4 SSN											
137																							
On July 26, 2005 I received a faxed complaint from Darden concerning an alleged timber theft, criminal trespass, and BMP violation.																							
I told Darden that I could not investigate the BMP violation, but gave her information on how to report it through channels. According to her complaint, she along with Paul Pogue had signed a timber contract with Cherokee timber to cut 30 acres of a 50 acre tract. The area to be cut had been flagged prior to logging. They had discovered that the logger, Mark Kynard had started cutting timber in the wrong area. They had requested that the operation be stopped and that the logger leave the property. Kynard left upon the advise of his boss, Todd Slusher. Initially the complaint had been serviced by Officer Danny Clark and Perry Co. Manager Cedric Hudson. They made a site visit, and met with the Landowner and the Timber Buyer. According to Clark, the incident appeared to be an unintentional timber trespass. He handled the complaint in this manner: He advised Slusher that he was liable for his logger cutting in the wrong area and he was bound by law to pay the landowner double fair market value for any timber removed from this area. Clark told me that the discussion got heated between Pogue and Slusher, and he almost had to get between them. He advised the parties to work out an agreement and felt that this was a civil matter between the parties. He left the scene that day, and turned the investigation over to me when I returned from Vacation in early July.																							
CONTINUED ON SUPPLEMENT (Y) N																							
ASSISTING AGENCY OR ASSISTING AGENCY CASE # SFX																							
SIGNATURE																							
TITLE																							
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143 SFX 144 CASE #																							
145 SFX																							
146 REPORTING OFFICER																							
T. Chandler																							
147 REPORTING OFFICER																							
148 SUPERVISOR APPROVAL																							
149 WATCH CMDR.																							
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OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

ADDITIONAL INCIDENT/OFFENSE NARRATIVE CONTINUED

1. DATE AND TIME OF THIS REPORT		2. TIME		3. CASE #		4. OFF									
1	0	0	6	0	5	14:00	5	3	0	4	1	1	1	0	9
5. TYPE REPORT		<input checked="" type="checkbox"/> CONTINUATION		<input type="checkbox"/> FOLLOWUP											

Initial Investigation Steps:

Contacted Darden and obtained information. Darden told me that she did not want anyone to go to jail over this but did want to be paid for all the timber removed. She told me that Cherokee timber had paid her \$1000.00 for four loads of wood. She told me that she was 120% sure that there was more wood taken from her property than was paid for and that she knew where it went. According to Clark and Hudson, approximately two-three acres were cut and the area appeared to contain no more than the four loads of wood. I tried to explain this to Darden; however, she was adamant that Clark was siding with Slusher. I instructed Darden not to cash the check from Slusher until I had a chance to talk with him. Darden told me that she knew that the wood had been delivered to several mills around Centerville. She told me that she knew Kynard was in business with a man called Jimmy Ingram and that I should look into their relationship. She felt that once I did this I would find her wood.

I contacted Cherokee timber and talked with Slusher. He told me the following:

He had signed a contract with the Pagues to cut timber. The area to be cut was flagged by Pagues consultant prior to logging. He took Kynard to the site and showed him where to cut. He went to Tennessee on vacation, and was unaware of any problems until he returned from vacation. He called Kynard and instructed him to meet him on the site and remove his equipment as he had been instructed by the Pague's. I told Slusher that by law, cutting timber in the wrong area, even by mistake and without the owner's consent left him liable to the landowner for double the fair market value of the timber. He indicated to me that he had paid the Pagues for the tickets and he thought the incident had been settled, but was willing to talk to me and do what was necessary to settle the problem with the landowners. I told him I would be in touch with him at a later time. He agreed to meet with me at his office in Wetumpka.

I talked with Paul Pogue concerning the investigation. He told me that he and his wife disagreed on how to resolve the incident. He was not really interested in the wood or the money, but rather interested in prosecuting the perpetrators for stealing his timber. He told me that Kynard was working with a Jimmy Ingram and that they had been stealing timber from citizens in Dallas and Perry County for years. He told me to check with local mills and I would find this out.

I contacted numerous mills and timber dealers around Dallas and Perry Counties. So far, no wood has been delivered or checks been paid to Jimmy Ingram in over two years. Mark Kynard told me that he has on occasion, delivered some wood through Saco Wood; however, not on the dates that he was delivering timber from the Pogue tract. In checking records with Saco, I was able to validate his information. In a telephone interview, Kynard told me that he only hauled four loads of wood from the tract and he took these loads to IP through Cherokee timber's dealership. To date no other load tickets have surfaced that can be connected to the Pogue's tract. None of the mills that I contacted had any records of dealing with Jimmy Ingram in over two years. At this time Jimmy Ingram is not in the logging business according to local area foresters. Kynard, however, is using Ingram's old equipment.

Mills and Dealers contacted: Cherokee Timber, Elam Timber, Cahaba Timber, H&H Lumber, IPC, Belcher Lumber, Freeman-Patrick, Seaman's Timber, Scott Taylor Timber, Saco Wood, Thomas Forestry, Blue Ox Timber, Baseline Forestry, Buchanan Timber.

Meeting set with Slusher for 10-10-05 at his office. I will review records of deliveries and payments to Mark Kynard and match these with records from IPC and Saco Wood. If all records match up, I will have no evidence to substantiate the theft allegations. However, the liability of Cherokee Timber for the unauthorized cutting still has to be settled. Based on Alabama law, I will arrive at a dollar figure owed to the Pagues and present it to Slusher at our meeting.

ALABAMA UNIFORM INCIDENT/OFFENSE REPORT SUPPLEMENT
REPORT

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

1 ORI # 0 0 3 1 0 0 0		2 AGENCY NAME ALABAMA FORESTRY COMMISSION		3 DATE AND TIME OF THIS REPORT 1 0 1 2 0 5 09:30		4 CASE # 5 3 0 4 1 1 1 0 9		5 SFX		
E V E N T	6 VICTIM'S NAME (ORIGINAL REPORT) Pogue, Paul and Valissa				7 ORIGINAL OFFENSE DATE 0 6 2 9 0 5		8 TYPE REPORT <input type="checkbox"/> CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP			
	9 ORIGINAL INCIDENT/OFFENSE Unauthorized Cutting and Removal of Timber				10 UCR CODE		11 STATE CODE/LOCAL ORDINANCE 1975 AL 9-13-60			
	12 NEW INCIDENT/OFFENSE				13 UCR CODE		14 STATE CODE/LOCAL ORDINANCE			
	15 HAS AN ARREST BEEN MADE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		16 DATE OF ARREST M D Y 1 1 1 1		17 HAS WARRANT BEEN OBTAINED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> WARRANT #		18 DATE OF WARRANT M D Y 1 1 1 1		19 PRIOR YEAR PREMISE WEAPON	
N A R R A T I V E	20 DEFENDANT SUSPECT NAME Slusher, Todd, Cherokee Timber				20 DEFENDANT SUSPECT NAME Kynard, Mark- Logger					
	101 RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I		102 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F		103 DOB 0 1 2 9 6 1		104 AGE 44		105 RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I	
	106 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F		107 DOB 1 1 2 2 6 7		108 AGE 37					
	Met with Slusher at his office on 10-18-05. Officer Benny Clark was also present.									
I asked Slusher to produce his payment summary sheets for Mark Kynard for the months of June and July 2005. He told me that he would have his bookkeeper compile the data and fax it to me within a week.										
I showed Slusher a summary table that I had made showing the amount of money that I felt he owed the Pogues. I explained that this was based on the highest price between his contract price and Timber Mart Average Stumpage Prices across the Southeastern States. I told him that Mrs. Pogue's concern was that they did not agree to any prices on the 10 acres in question and felt that he owed them what he had been paid for the wood. He told me that he had spoken with their attorney in the past and that he would be willing to reply to a letter from him concerning any requests for more money. I told him that as soon as I had checked his records, I would contact the Pogue's and present the case to them. At that time, they could then decide as to what direction they wanted to go with this case, but he was still liable under the law, to pay them double market value for the four loads.										
Slusher told me that he had never intended to cut the wrong area on their property, and was under the impression that he had shown Kynard the right place to cut before he left on vacation. He did not deny that the wrong area had been cut, but told us that the mistake was purely unintentional and that he was willing to settle the matter with the Pogue's if possible. He told me that to his knowledge, he had paid for every ticket that had been hauled by Kynard but until now had not been presented with any figures concerning double market value of the wood.										
In this situation, it is apparent that the Pogue's did not want to cut the 10 acre tract in question. Accidental or not, Kynard did cut wood from this area and haul it to the mill under Cherokee Timbers' contract with International Paper Company. Cherokee Timber was paid										
D O L L A R V A L U E	24 MOTOR VEHICLE		25 CURRENCY, NOTES		26 JEWELRY		27 CLOTHING/ FURS		28 FIREARMS	
	S		S		S		S		S	
	R		R		R		R		R	
	D		D		D		D		D	
C		C		C		C		C		
30 ELECTRONICS		31 HOUSEHOLD		32 CONSUMABLE		33 LIVESTOCK		34 MISCELLANEOUS		
S		S		S		S		S		
R		R		R		R		R		
D		D		D		D		D		
C		C		C		C		C		
35 MOTOR VEHICLE RECOVERY ONLY REQUIRED FOR 240X UCR CODE		36 STOLEN IN YOUR JURISDICTION? YES <input type="checkbox"/> NO <input type="checkbox"/> WHERE?		37 STOLEN IN YOUR JURISDICTION? YES <input type="checkbox"/> NO <input type="checkbox"/> WHERE?		38 RECOVERED IN YOUR JURISDICTION? YES <input type="checkbox"/> NO <input type="checkbox"/> WHERE?		39 RECOVERED IN YOUR JURISDICTION? YES <input type="checkbox"/> NO <input type="checkbox"/> WHERE?		
MULTIPLE CASES CLOSED		37 CASE #		38 SFX		39 CASE #		40 SFX		
41 CASE #		42 SFX		43 ADDITIONAL CASES CLOSED NARRATIVE <input type="checkbox"/> Y <input type="checkbox"/> N		44 CASE STATUS <input checked="" type="checkbox"/> 1 - PENDING <input type="checkbox"/> 2 - INACTIVE <input type="checkbox"/> 3 - CLOSED ENTERED <input type="checkbox"/> Y ACIC/NC DATE <input type="checkbox"/> N		45 CASE DISPOSITION <input type="checkbox"/> 1 - CLEARED BY ARREST (JUV) <input type="checkbox"/> 2 - CLEARED BY ARREST (ADULT) <input type="checkbox"/> 3 - UNFOUNDED <input type="checkbox"/> 4 - ADMINISTRATIVELY CLEARED		
46 REPORTING OFFICER Tony Chandler ID # 411		47 ASSISTING OFFICER ID #		48 SUPERVISOR APPROVAL ID #		49 WATCH CMDR ID #				

DEFENDANT'S
EXHIBIT

8

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

ADDITIONAL INCIDENT/OFFENSE NARRATIVE CONTINUED

3 DATE AND TIME OF THIS REPORT		4 CASE #		5 OFF	
1	2	3	4	5	6
7	8	9	10	11	12
8 TYPE REPORT		CONTINUATION		9 FOLLOW-UP	

a contract delivery price for the wood from this tract. It is the opinion of the AFC that no one, either the logger or the timber buyer should profit from the sale of this wood. In this case, fair market value of the wood should be double what the timber buyer received from IP when the unauthorized wood went across the mill scales. This information would be available via subpoena, from the accounting records at IP and or Cherokee Timber.

At this time, no evidence has surfaced to indicate that Mark Kynard hauled the wood from the Pogue's property to any mills other than IPC. These four loads of wood were delivered through Cherokee's dealership authorization (5G077) and payment for these four loads of wood was submitted to Cherokee Timber by IPC.

Although Kynard was using logging equipment he had borrowed from Jimmy Ingram, no evidence has been found to indicate that Kynard has a current business relationship with this individual.

Kynard, who occasionally operates as a tree climber, cuts down yard trees and picks up small tracts of wood and sells it through Saco Wood or Cherokee Timber. During the dates he was hauling from the Pogue tract, (6/28-7/1/05) no loads of wood were delivered through Saco. All loads were delivered through Cherokee Timber.

SYNOPSIS OF FINDINGS:

At this time, based on the details of the logging contract that was signed between Cherokee Timber and the Pogues, I feel that the matter between these parties constitutes a civil case. The contract provided to me indicates no specific area to be logged. The contract states in the initial paragraph, that all merchantable timber in Section 8, Township 18N, Range 10E containing 40 acres more or less is to be cut. In item 4, on the page of additions to the original contract, it specifies that trees marked in blue paint shall not be cut. Other than this, the contract does not specify where logging will take place. It is my understanding that the areas to be cut were flagged and shown to Slusher prior to logging. I have not seen any maps or other written documents that would indicate exactly where logging was to take place. To my knowledge, this matter was agreed upon by Slusher and Pogue prior to the start of logging. Whether or not a full understanding was reached between them at that time is not known to me.

In talking to the logger, Mark Kynard, I asked him why the four scale tickets had no landowner listed and why the county of origin was Macon instead of Perry? Kynard told me that he had used authorization tickets from a previous job he had worked in Macon county and the county name was already filled in on these tickets. According to Kynard, he did not have any blank tickets from Cherokee, and had used these tickets to deliver the wood. It did not matter to him about the county as long as the ticket got paid to Cherokee Timber, because Cherokee was only paying him to deliver the wood to the mill. He did write in the name Pope on one ticket, but was unsure if that was correct or not. With Slusher out of town on vacation and unable to confirm this, he just turned in the tickets and left the landowner name blank. He knew the ticket would be paid to Cherokee timber and felt that it was Cherokee's responsibility to pay the landowner for the wood he was hauling. Since he was the only logger on the tract, he felt sure that Slusher would know who the tickets belonged to for that time period.

Although this is not the recommended procedure and looks suspicious to landowners, this practice by itself, does not show intent to defraud on the part of the logger. IP is only bound by law to rely on the information provided by the seller. Cherokee Timber is bound by their contract with IP to guarantee that any wood they deliver under gatewood contract agreements has a free and clear title. Cherokee Timber was paid for the four loads by IP and did have a timber contract with the landowner to cut and deliver wood to any available market. Cherokee timber did pay the landowner for these four tickets that were turned in by Kynard.

Based on this information, I do not find evidence to support allegations that Cherokee Timber Company intended to steal wood from the Pogue's property. By their own admissions, Cherokee Timber's logger did cut timber from the Pogue Property in an area that was not supposed to be cut. This constitutes a civil matter between the parties as to the fair market value of the timber removed. I am attaching a copy of Alabama Law 9-13-62 that explains the liability of Cherokee Timber in this case.



DEFENDANT'S
EXHIBIT

9

URGENT FAX TO: Mr. Chandler at 251-867-7302

July 26, 2005

TO: Alabama Forestry Commission
Mr. Tony Chandler
South West Region
State of Alabama

Request: Forestry Investigation and Enforcement Relief

Dear Forestry Investigator:

This is a request for help stemming from criminal trespass, destruction of property and transporting and selling of stolen timber fiber from property located at *section eight, township eighteen north, at range ten east, Perry County Alabama*. The creek is dammed and blocked causing side wall erosion to the property.

The purchase of stolen timber fiber may be verified by local and surrounding mills inventory log sheets. Criminal activity probably got started in the month of June throughout the early weeks of July 2005.

Finally, I am asking that your division of state government review and investigate and cause justice to be done under the circumstances. I am willing to cooperate and sign the necessary papers should criminal justice authorities so require.

Sincerely, *V. Darden*
V. Darden, Landowner and timber owner
Route 6, Box No. 334
Selma, Alabama 36701

Copy to U.S. Forestry Service and other state and federal agencies.

DEFENDANT'S
EXHIBIT

10

INTERNATIONAL PAPER
RIVERDALE MILL
FIBER SCALE TICKET
06/30/2005 20:22:21

TICKET NUMBER: [REDACTED]
PRIMARY CONTRACT: 56077
SPECIES: PINE (SOFTWOOD)
PRODUCT: LONG PULPWOOD
TRACT: NONE LISTED
PRICE CODE: LH
TRAILER ID: 31055-02
TRIP TICKET #: [REDACTED]
PRODUCER: 33400 MARK KYNARD
COUNTY/STATE: MACON, ALABAMA
SECONDARY HAULING: [REDACTED]
DATE IN: 30/JUN/05 20:13
DATE OUT: 30/JUN/05 20:22
INBOUND WEIGHT: 74240 POUND
OUTBOUND WEIGHT: 20580 POUND
NET WEIGHT: 53660 POUND
NET TONS: 26.83 TON
SCALER: E. HARRIS
COMMENTS: 9.33cd

INTERNATIONAL PAPER
RIVERDALE MILL
FIBER SCALE TICKET
07/01/2005 19:10:53

TICKET NUMBER: [REDACTED]
PRIMARY CONTRACT: 56077
SPECIES: PINE (SOFTWOOD)
PRODUCT: LONG PULPWOOD
TRACT: NONE LISTED
PRICE CODE: LH
TRAILER ID: 31055-02
TRIP TICKET #: [REDACTED]
PRODUCER: 33400 MARK KYNARD
COUNTY/STATE: MACON, ALABAMA
SECONDARY HAULING: [REDACTED]
DATE IN: 01/JUL/05 18:59
DATE OUT: 01/JUL/05 19:10
INBOUND WEIGHT: 59840 POUND
OUTBOUND WEIGHT: 20760 POUND
NET WEIGHT: 39180 POUND
NET TONS: 19.59 TON
SCALER: E. HARRIS
COMMENTS: 7.32cd

DEFENDANT'S
EXHIBIT

INTERNATIONAL PAPER
MAPLESVILLE SAW MILL
FIBER SCALE TICKET
06/29/2005 15:05:53

TICKET NUMBER: [REDACTED]
PRIMARY CONTRACT: 56077
VENDOR: CHEROKEE TIMBER CO
INC
SPECIES: PINE (SOFTWOOD)
PRODUCT: TREE LENGTH MEDIUM
SAMPLING
TRACT: POPE
PRODUCER: 33400 MARK KYNARD
COUNTY/STATE: MACON, ALABAMA
PRICE CODE: 06
TRIP TICKET #: [REDACTED]
OF STEMS: 34
AVG LENGTH: 25
TRAILER #: 31055-02
DATE IN: 29/JUN/05 14:58
DATE OUT: 28/JUN/05 15:05
INBOUND WEIGHT: 74260 POUNDS
DEDUCT WEIGHT: 0 POUNDS
OUTBOUND WEIGHT: 20800 POUNDS
NET WEIGHT: 53460 POUNDS
NET TONS: 26.73 TONS
SCALER: R. FIELD
COMMENTS: 9.99cd

INTERNATIONAL PAPER
RIVERDALE MILL
FIBER SCALE TICKET
06/29/2005 18:58:29

TICKET NUMBER: [REDACTED]
PRIMARY CONTRACT: 56077
SPECIES: PINE (SOFTWOOD)
PRODUCT: RANDOM LENGTH
PULPWOOD
TRACT: NONE LISTED
PRICE CODE: LH
TRAILER ID: 31055-02
TRIP TICKET #: [REDACTED]
PRODUCER: 33400 MARK KYNARD
COUNTY/STATE: MACON, ALABAMA
SECONDARY HAULING: [REDACTED]
DATE IN: 29/JUN/05 18:42
DATE OUT: 29/JUN/05 18:58
INBOUND WEIGHT: 82300 POUND
OUTBOUND WEIGHT: 20740 POUND
NET WEIGHT: 41560 POUND
NET TONS: 20.78 TON
SCALER: E. HARRIS
COMMENTS: 7.76cd



TIMOTHY C. BOYCE
STATE FORESTER

RICHARD H. CUMBIE
ASST. STATE FORESTER

Mak



Alabama Forestry Commission
2584 RIDGE ROAD
BREWTON, AL 36426
251-867-5368

February 13, 2006

Mr. Paul Pogue
Old Mays Building
1704 Goode Street
Montgomery, AL 36104

Dear Mr. Pogue:

In our last telephone conversation, you asked me to send you a letter stating that you have never officially signed or filed a complaint in my office. I have a complaint in this office that was initially filed by your wife. I have been under the impression that this complaint concerned property belonging to both of you. I have recently been informed by you that this is a totally different matter. Apparently there was some misunderstanding between us concerning her initial complaint. Please accept my apology if this has caused you any inconvenience.

Sincerely,

Tony Chandler
SW Regional Investigator

DEFENDANT'S
EXHIBIT

1704 Goode Street
Montgomery, Alabama 36104

October 14, 2005

Mr. Tony Chandler
Alabama Forestry Commission
Forestry Investigator
SW Region
Brewton, Alabama

Re: Request for file disclosure [Pogue Timber live and dead timber
Section 8 Township 18n Range 10e, Perry
County, Alabama]

Dear Mr. Chandler:

Forestry assets are missing from my property located in Perry County, Alabama. Please release a copy of your forestry investigative report. A copy of your report would be very much appreciated. Thank You.

Sincerely,

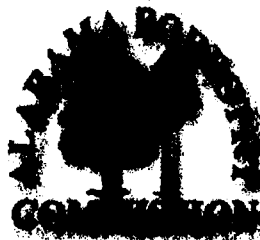

PAUL POGUE

Copy to: Alabama Department of Environmental Management

TOTAL P.01

DEFENDANT'S
EXHIBIT

13



MEMORANDUM

Date: October 20, 2005

To: Mr. Paul Pogue

From: Tony Chandler- SW Regional Investigator

Regarding: Request for Investigation Report

As you requested, I am submitting a copy of my investigation into the timber complaint on your property in Perry County, Alabama. Attached to the initial Incident/Offense Report you will find an Incident/Offense Supplement Report. My investigation notes and findings are written in the narrative sections of these reports. They are somewhat in chronological order as additional information has been obtained. You should also find a copy of the following documents:

A timber cutting contract signed with Todd Slusher, of Cherokee Timber Company.

Copies of four scale tickets representing the wood hauled from your property.

Copy of Alabama Forestry Law, Section 9-13-62.

A payment chart showing the amounts owed to you for each wood ticket. This chart also shows the average stumpage prices for the Southeast and the stumpage amount that you would be owed under AL 9-13-62. This is only an estimate based on stumpage prices at the time of your logging operation.

A copy of Timber Mart South average stumpage prices for the 2nd quarter of 2005.

If I can be of further assistance, please let me know.

**DEFENDANT'S
EXHIBIT**

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From:
Tony Chandler
Southwest Regional Investigator
2584 Ridge Road
Brenton, AL 36427
Telephone # 251-867-5368
Fax # 251-867-7302



TIMOTHY C. BOYCE
STATE FORESTER
RICHARD H. CUMBE
ASST. STATE FORESTER

Makin



Alabama Forestry Commission
2584 RIDGE ROAD
BREWTON, AL 36426
251-867-5368

February 13, 2006

Mrs. Valissa D. Pogue
Route 6 Box 334
Selma, AL 36701

Dear Mrs. Pogue:

This letter is in reply to the timber complaint on your property in Perry County. After looking into the matter, Mr. Danny Clark and I have not uncovered any evidence to indicate that timber was stolen from your property. Mr. Todd Slusher, the timber buyer, has admitted that his logger Mark Kynard, cut and hauled four loads of timber from your property. He also admitted to me that he later discovered that the timber was cut in the wrong location, and that it was purely unintentional. He has offered to respond to a request from your attorney concerning any additional money that he may owe you for this timber. Considering the circumstances in this case, I feel that this complaint is civil in nature and does not constitute a criminal offense.

With that in mind, I would like to offer you the following options in handling this situation.

Option 1. If you do not agree with the wood ticket volumes, you can hire a consultant forester to estimate the volume and value of timber cut on your property. This is commonly called a stump cruise. A list of these individuals should be available at the Perry County Forestry Commission Office. After the cruise is completed, approach the timber buyer with your information and request a settlement. You can also ask for reimbursement of the expense of the stump cruise. You are entitled by state law (Section 9-13-62) to double the fair market value for the timber that was removed. In this case, since the timber was removed from an

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area that was not authorized for cutting, you should be entitled to double the value of the wood when it was sold at market by Cherokee Timber. These figures would be available from the records at Cherokee Timber. Again, Mr. Slusher has indicated his willingness to settle this matter with you and your attorney. I feel that he will be willing to listen to any reasonable request concerning the matter.

Option 2. Retain a lawyer to handle the whole process in civil court.

Either way, I hope that you will be able to settle this matter to your satisfaction.

Sincerely,

Tony Chandler
SW Regional Investigator